

# Planning Commission Handbook



Village of Decatur, Michigan

January 3, 2024



# Welcome to the Village of Decatur's Planning Commission!

We're glad to have you with us and thank you for your willingness to serve your community in this important role. Over the coming months you'll be gaining firsthand experience of how this board supports our community as it grows. But to get you started, check out the resources below for information on how the board operates, existing plans and where you can get some basic training on topics related to your new role.

## Basic/Legal Information

- **Michigan Planning Enabling Act:**  
[https://www.canr.msu.edu/uploads/resources/pdfs/statute\\_1235.3801\\_mpea.pdf](https://www.canr.msu.edu/uploads/resources/pdfs/statute_1235.3801_mpea.pdf)
- **Planning Commission Bylaws**
- **Zoning Ordinance:** [\[Link\]](#)
- **Master Plan**

## Planning and Zoning Essentials – Training Resources

*Note: Planning Commission members have access to funds for training – talk to the Village Manager for details on how to use those funds.*

- **MSU Extension Citizen Planner (online or in-person):**  
[https://www.canr.msu.edu/michigan\\_citizen\\_planner/](https://www.canr.msu.edu/michigan_citizen_planner/)
- **Planning Commission Handbook (MML):**  
<https://www.mml.org/pdf/pcebook.pdf>
- **Redevelopment Ready Communities (RRC) Best Practice Training (online or in person)**  
<https://www.miplace.org/rrctraining>

## Other planning and zoning resources (general information)

- **Michigan Association of Planning:** [www.planningmi.org](http://www.planningmi.org)
- **Michigan Municipal League:** [www.mml.org](http://www.mml.org)
- **Michigan Economic Development Corporation - Community Development:** [www.miplace.org](http://www.miplace.org)
- **American Planning Association:** [www.planning.org](http://www.planning.org)
- **StrongTowns** (planning nonprofit): <https://www.strongtowns.org/>
- **Planetizen** (planning news): <https://www.planetizen.com/>





## PLANNING COMMISSION 2024

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# VILLAGE OF DECATUR

COUNTY OF VAN BUREN

STATE OF MICHIGAN

## **RESOLUTION 2023-014: VILLAGE OF DECATUR PUBLIC MEETING SCHEDULE FOR 2024.**

**WHEREAS**, a local Municipality has the right to set their own Regular Meeting schedule by Resolution; and

**WHEREAS**, The Village of Decatur is required by law to have one Regular Meeting every month; and

**WHEREAS**, The Regular Meeting Schedule will be posted at Village Offices throughout the duration of the 2024 Calendar Year. The Village of Decatur Trustee's meet at 7:00PM on the first Monday of each month unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps Street, Decatur, Michigan. The Village Council may also from time to time meet electronically allowable under PA 228 of 2020.

January 8, 2024	February 5, 2024	March 4, 2024	April 1, 2024
May 6, 2024	June 3, 2024	July 1, 2024	August 5, 2024
September 9, 2024	October 7, 2024	November 4, 2024	December 2, 2024

### **DOWNTOWN DEVELOPMENT AUTHORITY**

The Decatur Village DDA meets on the second Wednesday of each month, at 1:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

### **PLANNING COMMISSION**

The Decatur Village Planning Commission meets on the third Thursday of each month, at 1:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Hall, 114 N. Phelps, Decatur, MI 49045.

### **ZONING BOARD OF APPEALS**

The Zoning Board of Appeals meets as needed on the first Monday of each month, at 6:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

### **PARKS AND RECREATION COMMITTEE**

The Parks and Recreation Committee meets on the third Monday of each month, at 4:30 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

**NOW, THEREFORE, BE IT RESOLVED**, the following is the current Regular Meeting Schedule for the 2024 Calendar Year for The Village of Decatur.

AYES:

NAYES:

ABSENT:

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by \_\_\_\_\_ of the Village of Decatur at their regular meeting held on December 4, 2023, at 7:00 p.m. at 114 North Phelps Street, Decatur, MI 49045, with a quorum present.

\_\_\_\_\_  
Megan Duncan, Clerk

\_\_\_\_\_  
Date

**RESOLUTION DECLARED ADOPTED, this 4<sup>th</sup> day of December 2023.**



## **Guidelines and Policies for Boards, Commissions, & Committees**

The Village of Decatur Boards, Commissions and Committees provide a way that residents can participate in their government. According to the Code of Ordinances, the Village Council creates, regulates, sets terms of offices, and establishes the duties for Boards, Commissions and Committees as needed. Village Boards, Commissions and Committees can best serve the Village when they are fully aware of the missions and priorities of the Village Council.

**Membership:** The Village President traditionally appoints Members with concurrence of the Village Council. Announcement of vacancies will be made at the Council meeting preceding that at which the appointment will be made. This allows interested citizens to submit their name and qualifications for consideration. The manager may appoint Ex-Officio representatives of the Village administration to serve as advisors and provide liaison.

**Conflict Of Interest:** A member of the Village Board, Commission and Committee serves the people and shall not receive personal or business benefit as a result of serving. A member who has a financial interest in the outcome of a particular matter before the Board, Commission and Committee should be excused from deliberations. If the member does not announce her/his own conflict of interest, another member may request that the involved person not participate in discussion nor vote on the issue over which there is a conflict of interest.

**Length Of Term:** Length of terms varies with the particular Board or Commission. A member may be reappointed for additional terms. Consult the Village Clerk regarding length of term of a specific Board, Commission and Committee that are advisory in nature unless otherwise specified.

**Powers:** The powers of such Boards and Commissions are delegated to them by Council resolution, Charter, ordinance, or state law. Village Boards, Commissions and Committees are advisory in nature unless otherwise specified.

**Removal From Office:** Members may be removed because of poor attendance, malfeasance, conflict of interest or conduct that might damage the reputation of the Village or the individual on the respective Board, Commission, or Committee.

**Meeting Of the Board, Commission Or Committee:** Notices of the meetings for calendar year are posted and provided to the Village Manager's Office in early January. The notice shall include date, place, time and handicapped accessibility information. Any deviations from these posted notices are to be reported at least 18 hours before the meeting. For committees who meet "at the call of the chair", the notices shall be posted and forwarded to the Village Manager's Office no later than 18 hours before the meeting.

## **Responsibility of Board, Commission or Committee**

1. A person often seeks appointment to a Village Board, Commission or Committee because of her or his involvement with a particular activity, or because she or he has a specific interest or expertise in the focus of that Board, Commission or Committee. However, it must be remembered that the member represents all people and the entire Village and not that special interest when serving on that Board, Commission or Committee.
2. Minutes of every meeting held by a Village Board, Commission or Committee are to be approved by that Village Board, Commission or Committee.

3. Boards, Commissions or Committees shall consult with the Village Manager or his designated representative (such as department head) before taking action which will be legally binding on the Village or obligate the Village financially.
4. The respective Department Head should be kept informed about actions being considered by the Board, Commission or Committee.
5. Press releases from a Board, Commission or Committee shall be released through the Village Manager for review by the Village Council in advance of the release to the public. The Village Manager may determine that some releases are routine and do not need advance notice. For example, the opening date of the beach.

## **Applying to a Board, Commission or Committee**

Individuals interested in serving on a Village board, commission, or committee must complete the “Application for Boards and Committees”, indicating which board, commission, or committee they are applying for. This application can be obtained from the Village Clerk’s Office or [www.decaturnmi.org](http://www.decaturnmi.org), and returned there upon completion. The application will be considered ‘active’ for 12 months and will be considered by the Village Manager, Village President and Village Council if an opening in the applicable board, commission or committee becomes available. Eligibility to apply and serve varies based on bylaws and authorizing legislation. Several boards, commissions and committees require residency within the Village of Decatur.

When terms expire and/or upon notification of a board or board resignation, openings for the position will be advertised by the Village Clerk in the local newspaper, through the Village website, and/or via social media. The Village Clerk will gather new applications and contacts all applicants on file to confirm whether they are still interested in serving in the position. After gathering and verifying applications, the Village Clerk will forward them to the Village Manager, Village President, or Village Council (depending on the appointing authority). For appointments made by the Village President with the consent of Council, the President shall notify Council of his or her desired appointees in writing at least three calendar days in advance of the Village Council meeting at which he or she desires to make the appointments. Any person appointed to fill a vacancy may be eligible for reappointment following the by-laws to the Board, Commission, or Committee.

# **Planning Commissioners Handbook**

Published by the Michigan Municipal League

Written by Steve Langworthy  
LSL Planning  
Community Planning Consultants

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## **About the Author:**

Steve Langworthy is a partner in the firm of LSL Planning. His more than 25 years of planning experience includes six years as the Planning Director and Zoning Administrator for the City of Kentwood and extensive experience in a variety of communities as a consulting planner. Steve has authored numerous master plans, zoning ordinances and special studies for communities of all sizes and levels of government.

Steve has extensive experience as a lecturer. He has conducted hundreds of zoning seminars and training programs for local government clients, the Michigan Municipal League, the Michigan Townships Association, and the Michigan Society of Planning Officials. He authored the Planning Commissioners Handbook for the Michigan Municipal League and was a principal author of the ***Township Guide to Planning and Zoning***, published by the Michigan Townships Association.

## **Foreword**

Along with the other appointed and elected municipal officials in your community, members of a planning commission accept responsibility to protect the personality and vitality of your community. To carry out their duties, these volunteers must digest a mountain of information and negotiate a maze of delicate situations.

This handbook was written to help new planning commissioners become effective commissioners. The topics covered include tools for planning commissioners, preparing for meetings, meeting the public, how knowledge of the zoning ordinance and applying ordinance standards will help you make decisions that will stick and what the future holds for planning commissioners.

As the state association of cities and villages, the Michigan Municipal League is committed to providing a variety of educational resources for both elected and appointed municipal officials to assist them in doing their jobs. The League is a non-partisan, nonprofit association working through cooperative effort to strengthen the quality of municipal government and administration.

This handbook is the latest step in our continuing effort to help municipalities meet the daily challenges of governing. Our thanks go to community planning consultant Steve Langworthy of LSL Planning for developing this text. His knowledge, creativity, insight and responsiveness are most appreciated. Contributing to the legal accuracy of this book was League Associate General Counsel Sue Jeffers. The Information and Publications staff of the Michigan Municipal League added a measure of common sense and smooth flavor.

Our aim is to produce publications that will help make your job easier. We welcome suggestions for additions to this publication and your comments in regard to all our publications. Let us know how we are doing and how we can be of further assistance!

Daniel P. Gilmartin  
Executive Director



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## **Introduction**

### **Congratulations!**

**§1** As a new planning commissioner, you may find yourself a little bewildered and overwhelmed. Since experience is not one of the conditions of appointment to the planning commission, you may wonder just what it is you are supposed to be doing.

This handbook has been written to provide you with some hints about how to be an effective planning commissioner. Rather than trying to teach you about the laws and regulations governing planning and zoning, we will concentrate on what you might expect to encounter as a commissioner and some of the methods you may use to prepare, make and enforce your decisions.

During your term as a planning commissioner you will encounter a wide variety of situations, people and problems. You will need patience, tact and diplomacy. Knowing how to act in stressful circumstances is one of the most important parts of the job, and one that is best learned through experience.

This Planning Commissioners Handbook is your head start on learning how to deal with these difficult situations.

You are encouraged to seek other sources for learning about the intricacies and technical details of zoning, planning and other related topics. These, too, will be a significant part of your job as a planning commissioner. The Michigan Municipal League can suggest a number of publications and training opportunities that can help you on your way. For more information, contact them at 800-653-2483 or visit their excellent web site at [www.mml.org](http://www.mml.org).

Good luck! You have volunteered to provide a valuable service to your community and your time and efforts are much appreciated.

# Chapter 1

## What Was I Thinking?

**§2** As you sit through your first planning commission meeting, this thought will probably go through your mind at least once. You've been thrown together with a group of others, some of whom know as little as you think you do. You have been asked to do an almost impossible job, using confusing documents, about which you know next to nothing. On top of which, the job offers little or no compensation!

For this privilege you get to listen to individuals and groups complain, plead, bargain, shout, criticize and lecture.

Yet, many commissioners wouldn't trade the job for anything.

Few voluntary non-elected appointments have the kind of authority granted a planning commissioner. Fewer still have the ability to affect the future of a community to such a great extent.

### It Begins With a Philosophy

**§3** The planning commissioner wears many hats from mediator, interpreter, visionary, researcher or teacher, to community builder.

Becoming an effective commissioner begins with a clear philosophy of your approach to the task.

Perhaps you had a desire to give something back to the community. Or, maybe something happened in your neighborhood that disturbed you. Most likely you did not get into the job for the money. After all, you did volunteer.

Ultimately, you will have to decide what kind of commissioner you will be.

### What is a Planning Commission?

**§4** Early in the history of zoning, it was recognized that when reviewing zoning and land use matters, elected officials needed input from a group of individuals who were not affected by political concerns. Having a group of interested volunteers judge land use decisions for the community was intended to allow a wide range of views to be fairly represented.

Elected officials are representatives **for** the people in the community. As such, they are accountable to the voters. As a planning commissioner, on the other hand, you are a representative **of** the people. This means that the members of the commission represent the various interests found in the community, such as professionals, business owners and homemakers.

In theory, this allows a planning commissioner to act without the political considerations that influence elected officials.

You will also find that having a variety of personalities on the commission serves a purpose.

Some of your fellow commissioners may consider themselves to be compromisers; always looking for the win-win solution. Others may believe that they are simply there to express the will of the people and suppress their own opinions.

Regardless of whether you agree with them or not, keep in mind that the reason the commission has more than one member is to allow for this variety of opinions.

Even though every commissioner has the best interests of the community at heart, their

## **The Land Use Challenge**

**§5** New development often brings out concerns over land use. Residents become concerned about losing the character of their community. Those who propose changes are acting to protect their own investment, whether personal or professional. Decision makers must, within the constraints of the law, allow for development which is consistent with the existing or planned character of the community and reject that which is not.

This can create land use conflicts and divide communities along philosophical lines. The master plan and zoning ordinances should prioritize these sometime conflicting or competing interests as a matter of policy. In each decision the commissioners must apply the policy to the specific facts at hand. The planning commission, often caught in the middle, may look back and say, “How did we get into this mess?”

In truth, advocates for development and preservation have common goals. Most of the time, both seek better use of the land from their own perspectives: the developer to protect his or her financial interest, and the neighbors to maintain their quality of life. Planning commissioners must weigh each of these interests.

approaches may differ from yours since each is based on their own philosophy. Over time

you will come to understand some of the motivations of the other commissioners and may find yourself appreciating their views.

Developing your own philosophy and style is an important step in becoming an effective planning commissioner.

## **The Job**

**§6** As a planning commissioner you will be dealing with one of the most enduring elements of society – land. At the same time, you will be dealing with people. You will find that this can create some difficult situations.

Your decisions can have a serious effect on the use and value of land in your community. Decisions based on the land can have lasting implications. Consequently, your decisions must be based on the long term interests of the community.

These decisions are not always easy. In some instances, you will know the land owners, neighbors or applicants personally.

As you develop and refine your philosophy and style, keep in mind that the planning commissioner’s job is to help create and carry out policies regarding the physical development of their community.

That’s the easy part. If being a planning commissioner was simply a matter of following policies and obeying the dictates of a law, then only one member would be needed. Instead, planning commissions must constantly ensure that they treat each person and property in a fair and consistent manner.

This book discusses several practical aspects of being a new commissioner, including dealing with those who jealously guard their view of the community and those who may seem as though they are intent on destroying it.

Sounds like a tough job. No wonder so many people want it. Welcome aboard!

## Chapter 2

# The Planning Commissioner's Toolbox

**§7** In the first chapter, we noted that being an effective commissioner begins with a clear understanding of your job and your approach to it. In much the same way, a community must also have a clear picture of why it exists and how it intends to grow.

Every community needs to plan locations for development where natural features and the environment are protected, where community character will not be diminished and where expenses for new roads and services will be at a minimum. This may include rehabilitating existing structures and reclaiming unused or abandoned properties as well as developing new areas.

The planning commission was originally given the responsibility of writing and adopting the master plan for the community. In 2002, this requirement was changed to require more involvement by the legislative body in the planning and adoption process. The planning commission remains the authors of the first draft of the zoning ordinance. This ensures a direct connection between the master plan and zoning ordinance.

While the 2002 change allowed the city or village council to be the adopting authority of the master plan, it is *required* to adopt the zoning ordinance because it is the law.

### The Jigsaw Puzzle

**§8** Building a community is a little like constructing a jigsaw puzzle, with each new development project providing a piece of the puzzle. The master plan might be considered the top of the jigsaw puzzle box. It shows us

the final form of the puzzle – our vision for the future.

### Corner Pieces

**§9** Policies concerning growth may be thought of as corner pieces of the puzzle. They anchor the rest of the community and allow for orderly development.

#### These policies may range from:

1. actively encouraging growth.
2. allowing growth to take its own course with as little government interference as possible.
3. allowing development provided that adequate utilities, roads, schools, fire, police and other public services are available.
4. trying to slow down the rate of growth.

Typically a master plan describes the community, outlines goals and objectives and maps areas of different land uses ranging from agricultural to industrial.

Plans for new development are then reviewed to ensure consistency with what was planned.

### The Zoning Ordinance

**§10** Communities continually wrestle with complex issues brought on by new development. The need to provide design flexibility, coupled with the desire to maintain some degree of control, has created the need to find innovative regulations.

Local control of the use of land (with some exceptions, such as state and federal land uses) is an accepted legal principle. Land use

is controlled by separating land into various use areas, called zoning districts.

The rules governing these districts are listed in a zoning ordinance that contains provisions controlling the type and intensity of development allowed.

The zoning ordinance should be based generally on the master plan. The future land use classifications of the plan are reflected in the ordinance's zoning districts. The density and intensity planned for the land use districts are translated to the uses permitted, lot sizes and other regulations.

### **Future Land Use and Zoning are NOT the Same**

**§11** The primary difference between future land use and zoning is a matter of timing. The future land use map shows the intended use of land at the end of the planning period, which could be many years in the future. The zoning map shows land as it is intended to be used today. Accordingly, the two maps will not be identical in every respect.

For example, one area of the community may have a future land use designation for industrial use. However, the goals and objectives of the master plan may indicate that industrial uses should not be established without public water and sewer services.

In order to ensure that a conflict in land uses is not established, the zoning map may designate the area for low intensity development. The master plan may then include a statement that the area is intended as a future location for industrial uses, pending provisions for public utilities. One justification for this action, which should be noted in the master plan, may be that the area has poor soils that will not accommodate private septic and water systems on the scale necessary for residential or high density development without public utilities.

### **Now What?**

**§12** Once the master plan and zoning ordinance are in place, it is important that they be kept current. A master plan that is not kept up-to-date and actively followed and implemented may lead to problems for the community in the future. The 2002 amendment to the Municipal Planning Act requires a community to review its plan at least every five years.

As noted earlier, changes to the Municipal Planning Act now require the legislative body to "approve the plan for distribution," or if it elects to do so, become the adopting authority for the plan. After preparing a proposed plan, the planning commission must submit the proposed plan to the legislative body for review and comment. Before the adoption process can proceed, the legislative body must approve the distribution of the proposed plan. If it does not, it must return the plan to the Commission with its objections. The Commission must then revise the plan until it is accepted by the legislative body.

The long-term effect of this change to the adoption process will have to be determined. But even if the Planning Commission maintains the responsibility of completing and adopting the master plan, the legislative body should be involved in all of the critical steps of the process in order for the plan to be assured of adoption and effectively implemented.

Failure to consistently follow the plan may discredit its use as a defense for actions that may be challenged by property owners or developers.

Likewise, consistent and vigorous use of the plan will lend credibility to the community's attempts to implement controversial decisions on rezonings or other zoning actions.

While the courts of the State of Michigan do not recognize the absolute authority of the master plan, they do lend much more credibility to actions supported by careful planning than those that appear to be taken arbitrarily against an individual property owner.

## **Conclusion**

**§13** As a new commissioner, the plans and ordinances for your community probably appear somewhat bewildering. In fact, we have only covered two of the documents that you will likely see. Others, such as the land division ordinance, capital improvement plan and recreation plan, are also valuable resources.

By far the greatest responsibility of the commission is to provide guidance for land use and development in the community. A properly developed, well thought-out master plan and an effective zoning ordinance can be of great value to a community. They provide an improved quality of life, more efficient use of financial and other resources, a cleaner environment and an economically healthy community.

Both the master plan and the zoning ordinance should be consistently and accurately followed to make sure they are applied fairly and consistently to those they affect. Together they are valuable tools in building the kind of community you want.

Keeping them current and relevant to today's conditions is hard work, but the rewards make the effort worthwhile.

## Chapter 3

# Preparing for Meetings

**§14** Being a planning commissioner can mean either just showing up for the meeting, or putting in the time needed to make informed decisions. It is difficult to ask a volunteer to put forth an extra effort to be ready for a meeting, but those who occupy a seat as a commissioner have taken on the responsibility to do the best possible job for their community.

Planning commissioners cannot reach a fair and impartial decision without a firm base of knowledge about the matters placed before them. Gaining this knowledge will take the efforts of the community's staff, the applicant

and each commissioner.

As a planning commissioner, there are some positive "fact finding" steps you can take to make sure you are ready to make the best possible decision – based not on perception, but on facts.

### Information

**§16** In order to prepare for the meeting, you must make sure that you have all of the relevant information needed to make a decision. At a minimum, you will need to have copies of applications, site plans and other supporting material in sufficient time to allow you to study and prepare. You should expect to have at least a week to review the materials.

### Site Visits

**§17** Visiting the site is often a critical step in the decision making process. Even if you have lived in the community all of your life, individual sites take on a new personality when a specific project is to be built.

Some precautions should be used. **Site visits should always be made individually rather than as a group.** Meeting on site (even with less than a quorum) raises several concerns.

- ➔ A site visit by a majority of the membership of a decision making body must be advertised under the Michigan Open Meetings Act and steps must be taken to insure that the requirements of the Americans With Disabilities Act (ADA) are met.
- ➔ Practically, it is hard for the visiting members to avoid talking among themselves about the proposal. These

### Before Attending the Meeting

**§15** Make sure you have everything. Follow this checklist:

1. Do you have your zoning ordinance or other applicable ordinances?
2. Have you examined the agenda and related materials?
3. Do you have your questions written down?
4. Have you completed the site visit? (If not, at least drive by the sites on the way to the meeting.)
5. Have you reviewed the standards that will be used for each decision?
6. Remind yourself that the purpose of preparing for the meeting is not to **make** a decision, it is only to gather the information needed to **prepare** you for the decision that is to come.



side discussions, however, can violate the spirit as well as the letter of the Open Meetings Act.

There are two cautions to keep in mind when visiting a site.

1. Do not go onto the site unless specific written permission has been granted by the property owner or the site is otherwise available to the public (such as an existing shopping center). This can help avoid misunderstandings and problems with trespassing.

Resist the temptation to design the site. Your job is to review the applicant's plans and to identify your concerns. It is the applicant's job to design the site to meet those concerns.

If permission has not been granted and you feel as though your decision cannot be made without viewing the site, look for other ways to get the same information. This might include aerial photos or surveys. Or, you may request that the applicant submit photographs, slides or video tape, particularly for larger, inaccessible sites.

Do not allow your decision to be influenced by the applicant's reluctance to allow you on the site. Many people are concerned about liability or they simply are determined to protect their privacy. There are other ways to gather the information and you should not make a decision until the information is obtained.

2. Do not discuss the proposal with the property owner, neighbors or applicant outside of the meeting. The intent of information gathering is to insure that everyone has the same information on which to base a decision. This is not

**TIP:** Consider adding a line to your application form that allows the applicant the option to grant permission for the planning commission members to conduct a site visit.

possible if individual commissioners contact or are contacted by interested parties outside of the meeting.

If you are contacted by the applicant or others, be prepared to tell them that you are required to conduct all of your discussions only when the other commissioners are present.

Encourage them to come to the meeting (tell them when and where) or ask them to submit their comments in writing (tell them to whom and by what date).

If a contact cannot be avoided, it should be reported to the rest of the members during the meeting, along with the general content of the conversation.

You may feel free to request information from the community's staff. But whatever information you receive should also be made available to each of the other members.

**Remember** – you are only one person on the planning commission. The only time you should take action as a commissioner is in the presence of the other members at a scheduled meeting.

### **During Your Site Visit**

**§18** Look closely at traffic conditions, natural features, surrounding land uses and general neighborhood characteristics. Visits

**§19 The Michigan Open Meetings Act** (1976 PA 276, MCL 15.2621 et seq.) was intended to make sure that the decision making process followed by government bodies always takes place under the watchful eye of the public. Even though you can simply meet the letter of the Act, it is just as important that the spirit of open meetings be observed. Don't look for ways around the Act. Look for ways you can make it work better for you.

at different times and on different days of the week would also be useful. For example, visiting a site during a peaceful Sunday afternoon may not be representative of traffic conditions during rush hours.

Describe your site visit findings to the rest of the planning commission so that they may have the benefit of your observations.

## **Using the Site Plan**

**§20** For many proposals you will be asked to review a site plan. A site plan is merely a depiction of the property showing proposed buildings, parking areas, streets and other details. Your objective when looking at a site plan is to ensure that at least the minimum dimensional standards of the zoning ordinance are met with respect to yards, signs, parking, etc., and that the proposed use is designed in harmony with its existing and future surroundings.

To do this you need to be familiar with some basic site planning principles as they relate to the standards of the zoning ordinance. Some common standards, in abbreviated form, are described below to show their general intent.

### **1. Preservation of natural features or landscape.**

**§21** Site plans should show significant natural features in enough detail to see how they are affected by the project. The two

general approaches to natural features are preservation and integration.

**Preservation measures** should be used when features are so sensitive or so valued that any change to them would have a negative effect on the community in terms of aesthetics, environmental quality or safety. In these areas, development should be either prohibited or restricted to projects which have little negative effect. Regulated wetlands and identified flood prone areas are examples of lands requiring preservation techniques.

**"I didn't realize it would look like this. . . "**  
Veteran commissioners will tell you that when a project is built, everything is bigger and closer than it looked on the site plan.

Natural features may also be integrated into a site allowing them to remain as natural as possible. This could include the use of small wetlands as aesthetic features or maintaining vegetated areas as screening or visual interest. In this way, natural features often help market projects.

These techniques can be implemented through conditions placed on project approvals, using this standard as support.

The potential of environmental contamination, particularly where underground storage tanks are or have been present, should also be considered. Many lending institutions now require an environmental audit to determine the likelihood of contamination prior to funding projects.

### **2. Compatibility with surrounding uses.**

**§22** This standard can be used to require landscaping, fences or walls to make sure that proposed uses will be adequately screened or separated from surrounding

property. It can also relate to locating buildings and parking areas to make sure one site does not unduly affect another.

### **3. Safety of vehicular and pedestrian circulation.**

**§23** The purpose of reviewing circulation is to ensure proper driveway spacing, adequate setbacks for clear visibility and proper placement of parking areas. Requiring parking lot setbacks, particularly along the roadway, can foster driveway safety, control glare and headlight spray and improve aesthetics.

Special consideration should be given to uses with large parking areas to ensure that circulation is safe and does not conflict with pedestrians, other vehicles and adjacent uses. Shared driveways may also be required to reduce the number of access points.

Service drives (front and/or rear) may be needed to allow access between properties so that vehicles do not have to enter the public street.

#### **Site plans should not be reviewed as part of a rezoning.**

**§24** Inexperienced commissioners can easily be sidetracked by discussions of landscaping, setbacks and other issues. Site plans are essentially meaningless during a rezoning (except as part of a planned unit development (PUD)) since the approval cannot be conditioned on compliance with the plan.

Once zoned, the property can be used for any use permitted in the new district, regardless of any promises made or plans shown by the applicant.

A common misconception is that local communities have no input on driveway locations. Although local regulations cannot conflict with the road authority, it can control driveway locations through the site plan review process.

### **4. Ensuring adequate emergency access.**

**§25** Involve the fire and police authorities in the site plan review process and have them submit a recommendation to you. Your community may have regulations that address fire lane standards and building access.

### **5. Control of exterior lighting.**

**§26** Lighting should be adequate to illuminate the area, yet not shine on adjacent properties, particularly in residential areas. Requiring “cut-off” fixtures or reducing the height of light poles can be effective ways to meet this standard.

### **6. Proper drainage and removal/storage of surface waters.**

**§27** Most commissioners are not trained engineers. Normally, local engineering staff, drain commissioners or other sources need to be consulted to ensure that a site is properly engineered to avoid excessive stormwater runoff. The same is true of the adequacy of public and private sanitary sewer and water services.

### **7. Architectural controls.**

**§28** Generally, site plans will not deal with the actual design of a building. Rigid architectural controls tend to stifle creativity and can encourage monotony.

However, they may be appropriate in designated areas rich with historical buildings and character. There will usually be an architectural review board or historic commission with the authority to review

exterior finishes and improvements to ensure that the historical or unique character of the district is not jeopardized.

**Site plans that meet all of the standards of the zoning ordinance must be approved.**

## Chapter 4

# Meeting the Public

**§29** Land use issues, as you will no doubt discover, can bring out strong emotions. Faced with a room full of angry and concerned people, you may find it difficult to maintain the decorum and professionalism needed. Although many planning commissions attempt to follow Robert's Rules of Order in their meetings, there are other more subtle aspects that are important to consider.

### Being Fair

**§30** The foremost concern of any planning commission should be to ensure fairness for all concerned. To ensure fairness, keep some simple things in mind:

1. **Everyone must have the opportunity to speak and present evidence at public hearings.** While some limitations may be placed on this right, as described later, no action should be taken that would unreasonably deprive a person of their right to be heard.
2. **Recognize emotional responses and treat them with concern and understanding.** Strong responses, within limits, should be expected and understood. Controlling your own emotions is essential, even if the comments get personal.
3. **One of mankind's greatest fears is not death – it's public speaking.** Make an effort to look beyond the mannerisms and nervousness to find the speaker's message.
4. **Regardless of how many people show up** to oppose or support a project, you must represent the long-term interests of entire community, not just those at the public hearing.

### §31 Dealing with Emotional Responses

1. **Repeat the concerns you hear.** "What I hear you saying is..."
  2. **State your concern.** Restate the concern by noting your understanding and agreement.
  3. **Narrow the issue to the items that are at the root of the concern.** Do this by a series of questions that will not embarrass the speaker, but will force them to confront the true issues.
  4. **Find out what you can do** about the issues that surface, but be careful not to promise more than can be delivered.
  5. **Do not try to answer all questions** when no answer will be acceptable.
5. **Listen.** Public meetings are your chance to take the pulse of the community and to learn more about the neighborhood in which a project is planned. Take advantage of the effort those attending the meeting have made and learn as much as you can.

### Follow the Rules

**§32** Playing fair means playing by the rules. Having an effective set of meeting rules helps provide a sense of professionalism as well as ensuring that meetings are orderly.

Rules do not need to be rigid. They occasionally need to be altered to take certain events into account.

Nor should they be too confining. Keeping a subtle balance between the degree of formality required, and the informality that is sometimes needed is a learned art.

Hearing rules should be made a part of the bylaws of the commission and printed on the back of the meeting agenda so that everyone is aware of them.

### **Rules for Speakers**

**§33** You will soon learn that people do not often come to a meeting in support of a particular project. Most people have concerns that they wish to address, while others are simply opposed to what is being proposed.

Having written meeting rules and procedures is especially valuable when there are many people who wish to speak. Without a few basic rules it would be easy for one or two people to dominate the meeting, thus depriving others of the chance to speak their mind.

- 1. Direct all comments to the chairman.**  
This rule can help avoid debates between members of the audience, between the presenter and the audience, and between the commission and the audience or presenter. Since zoning hearings can become emotional, following this policy is important to ensure that the chair controls the meeting.
- 2. Limit speaking time, when necessary.**  
If there are many people who wish to speak, it is appropriate to limit the time of each speaker to 3-5 minutes, with the exception of the applicant. The applicant should be given as much time as needed, within reason, to present his or her case.
- 3. Limit the number of times one person may speak.** Generally, each person needs to be given only a single opportunity to speak. At the discretion of the chairman, people may be allowed to speak a second time to respond to earlier

comments. However, the chairman should emphasize that comments should not be repeated. Your rules may also require a sign-up sheet for those people wishing to speak, with the chairman recognizing only those who have signed up.

- 4. The chairman may also ask if there is a spokesperson for the audience,** and ask that the spokesperson speak for the others present who agree with his/her point of view. The chairman should allow those for whom the spokesperson is speaking to be recognized, either through a show of hands or by standing. The spokesperson may be given additional time in recognition of his/her role.
- 5. After the public hearing is closed, it should remain closed.** Further comments should not be accepted unless specifically requested by a commissioner.

### **Rules for Commissioners**

**§34** As commissioners you should also agree to follow your own set of rules for how you present yourselves to the public.

- 1. All comments should be directed to the chairman.** Just as the audience must be recognized by the chairman, so too should the commissioners. Not only does this show respect for the role of the chairman, it sets an example for the audience to follow.
- 2. All deliberations should be in the open.** This goes beyond strict legal requirements. It is important that the audience view the commission as an open, fair and deliberative body.

Remember, people are generally suspicious of government. Don't add substance to that perception.

- ⊖ Do not hold private conferences prior to the meeting.

- ☛ Don't meet in a group in a small room or other place outside the chamber in which your meeting is held.
  - ☛ When arriving at the meeting, stay in the chamber.
  - ☛ While socializing is acceptable, make sure that the audience doesn't get the wrong impression.
  - ☛ Make all of your comments aloud during the deliberations. If you have a question, ask the applicant or the chairman, rather than your neighbor. Don't allow yourself to be caught up in a private discussion with another commissioner. Make all of your comments loud enough so that everyone can hear.
3. **Express your opinions.** Don't just vote without letting everyone know why you are voting, whether for or against the issue. Your comments may help others to decide (or change their vote). It also lets the applicant and the audience know the strengths or weaknesses of the proposal.
4. **Do not attempt to always answer every question.** Some comments cannot be answered and may be asked just to express frustration.

When a question such as, "What will I do when the cars start running off the road and into my house?" is asked, calmly try to narrow the question down to specifics. Once you get a handle on the real problem, you may be able to suggest a solution.

5. **If things get out of hand, take a recess.** Long evenings and emotional topics can make for short tempers. A breather may be helpful.

6. **Do not feel compelled to make a hasty decision** on the night of the hearing. Everyone should feel comfortable with their vote – if not, obtain whatever additional information is needed before proceeding with the decision.

### **Keeper of the Gavel**

**§35** The chairman of the commission is entrusted with enforcing meeting rules. Having a strong chairman is important both to the operation of the commission and to public perception.

The role of the chairman is to maintain order throughout the meeting. The chairman should announce each agenda item and note the rules that apply to the hearing. During the meeting, the chairman should ensure that courtesy is maintained and that speakers are not interrupted.

### **Keeping Faith with the Public**

**§36** People tend to be naturally suspicious of governmental proceedings that may affect them. How many of your neighbors know a planning commission even exists? Be patient and understanding when addressing this suspicion. You will not always be able to satisfy their wishes. But, you can make sure that the public knows they have been heard and that you are acting responsibly.

Following rules of fairness, preparing for meetings, and making effective decisions can affirm the confidence placed in you by those who appointed you and those you serve.

## Chapter 5

# Making Tough Decisions

**§37** In these days of increasing litigation and public participation, it is not enough to deny an application because of a vague notion that the use is not a good idea, or that it will hurt the neighborhood. Even applications that are approved need to be well supported.

Following an effective decision making process is one of the most important ways to avoid challenges to decisions. Careful consideration and support of decisions through the use of the standards of the zoning ordinance is important. These standards must be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If the decision is challenged, the importance of using the ordinance's standards becomes self-evident. A well supported decision provides the background needed to build a solid legal foundation for the decision. The use of standards will help avoid the "arbitrary and capricious" label often given to zoning decisions that are not well supported.

Proper decision making starts with the basics:

1. Knowledge of the zoning ordinance;
2. Knowledge of relevant case facts; and
3. Using ordinance standards to reach a decision.

### 1. Knowledge of the zoning ordinance

**§38** Too often, members are not well versed in the language, meaning and application of their zoning ordinance. Each planning commissioner must be familiar with the relevant parts of the ordinance when reviewing an application for a zoning decision. Not only should the commissioner

know the meaning of the regulation, but it is particularly important that he or she understand its purpose.

### 2. Knowledge of relevant case facts

**§39** Facts are critical to good decision making. Sources of facts include:

- a. the application and supporting materials;
- b. the master plan or other relevant plans;
- c. staff and agency reports regarding impacts on public services, natural resources, character of the area, traffic, parking and other criteria;
- d. a visit to the site to see the physical characteristics of the property and adjacent parcels (see Chapter 3) and;
- e. public hearing comments.

### 3. Use of ordinance standards

**§40** Following an effective decision making process is one of the most important ways to support your decisions. Proper and consistent use of the standards of the zoning ordinance or other ordinances is essential.

## Making Everyone Happy

**§41** In most cases, it is impossible to please everyone, and you probably shouldn't try. One of the most difficult aspects of planning and zoning is the need to balance the various, often competing, interests of property owners and residents.

Property right laws tell us that zoning has a public interest that will allow residents to have the right to peace and quiet of their neighborhood and to have the value of their property protected.



“My home is my castle” is not an idle remark. Those who follow the NIMBY and BANANA principles sometimes represent this view. The NIMBYs believe that the project is well designed, and needed, but located in the wrong place. “Not In My Back Yard” is their battle cry.

Others believe that the project should not be built anywhere in their community, or perhaps anywhere at all. Their motto is “Build Absolutely Nothing Anywhere Near Anything” – BANANA.

On the other hand, the law holds that owners of property have a right to a reasonable return on their investment and that zoning cannot unreasonably deprive the owner of that return.

In the midst of these many competing interests and views are the local authorities for zoning – the zoning administrator, the planning commission, the board of appeals and the legislative body, the city/village council.

Satisfying these competing interests is simply not always possible. The intent of zoning is to help commissions avoid the necessity of trying to judge between them. Instead, zoning decisions should treat each person, property and point of view in a fair and consistent manner.

The following guidelines may help you deal with these competing interests and concerns.

☉ **The master plan and zoning ordinance are current and accurately reflect the community.**

Keeping your master plan and zoning ordinance up-to-date, continually reflecting the needs and desires of the community, can help focus the discussion on individual projects to judge their consistency with the character of the community.

The master plan should be reviewed each year to make sure it stays relevant to current conditions. A comprehensive review should be considered about every five years.

Remember, you are a part of a **planning** commission. Set aside time to do some planning each year.

The zoning ordinance must be constantly reviewed to ensure that binding court rulings are included, new legislation recognized and master plan changes noted (e.g., new land use classifications).

☉ **There are written rules of procedure (bylaws, notices, hearing procedures, etc.) and they are consistently followed.**

The entire zoning process, starting from the time that a person first approaches the community, to the issuance of the occupancy permit, should be clearly understood by all parties involved.

- ✎ If applications are incomplete (inadequate site plan, fee unpaid, etc.), do not accept them.
- ✎ If you learn that notices were not sent or published properly, stop the process and start over.
- ✎ Do not take action unless the applicant or a representative is present (unless legal time limits dictate otherwise).

☉ **All zoning decisions should be based upon the standards set forth in the zoning ordinance.**

Following an effective and consistent process is one of the most important methods of making supportable decisions.

The consistent and proper use of standards will help avoid the “arbitrary and capricious” labels often given to zoning decisions that are not well supported. As you debate each application, you may find

it easier to focus your comments if you discuss each of the applicable standards in turn.

The standards that you use should be written into the ordinance (except rezonings) and if all standards are met, the application must be approved.

If you are unclear about whether a standard is met and are not ready to make a decision – don't. Zoning decisions are permanent. Take care that the decision you make is well supported. On the other hand, don't drag out the review unnecessarily.

☛ **Decisions are always based on the standards of the ordinance and facts, not on emotion or opinion of the applicant.**

A roomful of people who show up to oppose a project should not be the only reason for denial.

Nor should the past actions (or lack of action) of the applicant be used as a basis for a decision.

## **The Role of the Public**

**§42** If there are doubts about an applicant's performance, make proper use of conditional approvals (except for rezonings), performance bonds and proper documentation for possible enforcement later.

Approvals and denials must be thoroughly supported, clearly stating how the ordinance standards were or were not met.

Zoning cannot be a popularity contest decided by a show of hands by the audience or names on a petition. If it were, only one commissioner would be needed to count the votes or read the applause meter.

Many zoning approvals require public input, usually in the form of a hearing. The dilemma for most decision makers is trying to

determine what weight to give the comments (and complaints) of the public.

As noted earlier, it will quickly become obvious to you that most people do not generally come to a meeting in support of a particular project. Most have concerns they wish to have addressed or they may simply oppose any development.

Similarly, petitions, letters and other written expressions of concern are useful, but only to the point where they provide new information.

While public input is a valuable part of decision making, you cannot simply mirror the wishes of those who send letters or come to the meeting. Your job is to follow the standards and requirements of the zoning ordinance. You are obligated to protect the interests of the applicant, the neighbors and the entire community.

Neighbors can provide a unique perspective on the neighborhood which may create the need for further study or information to be provided by the applicant or gathered by the community.

Ultimately, the role of the public is to provide information to the decision makers, not dictate their actions.

## **The Experts Say**

**§43** You may also wonder how much influence staff reports and opinions should have on your decision. In most cases, your municipal staff members are trained in their various fields and are providing you with their professional opinion. Their recommendations should be supported by the facts and application of the ordinance standards just as your decisions are expected to be.

Their view of how the facts relate to the standards may differ from yours. Ultimately, it is the decision of the commission that will stand.

## **Conclusion**

**§44** Zoning decisions are rarely easy. And they are not usually a matter of right and wrong. Balancing the needs of the community and the private property owner has been entrusted to you, and it is essential that you honor that trust.

## **Chapter 6**

# **Making Your Decisions Stick**

**§45** It won't matter how well you have followed the principles in the previous chapters if you fail to properly document what you did. As a new commissioner you may have a tendency to rely on the members who have the most experience to remember past actions. There is no doubt that their memories are valuable, but their recall may not be complete. The only reliable methods of documenting actions are the written word and exhibits.

### **Meeting Minutes**

**§46** In smaller communities, keeping minutes may be one of the least glamorous parts of building a written record. As a new commissioner, the task may be dumped on you, much to the relief of the previous victim. Regardless of who has the job, it should be taken seriously. There are no firm rules or formats for minutes, but there is a basic principle.

**Minutes should contain enough detail so that a person not present can understand:**

- ➡ What matters were discussed (nature of the request, applicant, location);
- ➡ Who spoke at the meeting and the general content of their comments (including name and address);
- ➡ What action was taken by the commission (including the vote and any conditions attached);
- ➡ Why that action was taken and on what standards of the ordinance it was based.

### **Motions**

**§47** A motion must have: a maker and second; a description of the nature of the request; the action taken (approval, approval with conditions, denial, tabling); any conditions attached to affirmative decisions (except rezonings, to which conditions cannot be attached); and the reasons for the action taken (applicability of standards).

Some commissions have found it useful to have a blank motion format to help them form a proper motion. This can be an effective practice, as long as the motions are not completed prior to the meeting.

Because having staff or legal counsel prepare a motion or several motions in advance can create the perception that decisions have already been made, this practice is discouraged.

### **Some hints for making motions:**

- ➡ Although the chairman can make sure everyone understands the motion by restating it, it may be preferable to have the person who is recording the motion do the restatement. Do not ask the person writing the minutes to "clean it up later," or say, "you know what we want to say." Take the time when the motion is made to get the wording right. To ensure accurate recording of the minutes, it is often useful to have the commissioner making the motion submit a written copy of the motion to the member taking minutes.
- ➡ Reference relevant sections of the ordinance and staff reports. If discussion on the issue is thoroughly documented in the minutes, the minutes may be adequate to represent information related

to compliance with the standards of the ordinance. Otherwise, a summary of the discussion is appropriate.

- ➡ Conditions may be imposed on any zoning decision, except rezonings (unless part of a planned unit development (PUD) rezoning).

Conditions attached to a decision have one purpose: to make sure that the standards used to make the decision are met. In other words, if the condition was not in place, the project would fail to meet the standards of the ordinance and must be denied.

Accordingly, a condition placed on an approval must have a reasonably direct relationship to one or more of the standards used to reach the decision.

- ➡ If the motion includes the need for further action, it should state who will be responsible to see that action completed. For example, “a revised site plan shall be submitted for the zoning administrator to certify that all conditions have been met.”

## **Finding of Fact**

**§48** One of the most effective means of documenting decisions is through a “finding of fact.”

A finding of fact is a concise statement of the action taken by the commission members. Normally it includes the same information contained in the motion, as noted above, but in greater detail.

The finding may be drafted during the meeting and completed as part of the approval of the minutes at the following meeting. Or it may be drafted prior to the following meeting. However, if drafted after the meeting, the author is not permitted to add points that should have been made during the meeting but were not. The purpose of the finding is not to create additional

support, but to more thoroughly document the support which was provided by the members during the meeting.

Neither the findings nor the minutes are official until reviewed and adopted by the commission.

## **Post-Decision Documentation**

**§49** Once the decision is made, there are some administrative steps that should be taken to help complete the record.

The applicant and secretary of the approving body should each sign and date two or three copies of the approved site plan. The applicant should keep one copy and the community should keep at least one other. This provides a record of what site plan was approved and when.

A copy of the minutes should be sent to the applicant following review by the approving body along with a letter specifically noting the action taken by the approving body, including any conditions placed on the approval.

This letter may include further instructions regarding the proposal. For example, if the approval granted was for a preliminary site plan, the letter may state that final site plan approval is necessary prior to issuance of a building permit. If other approvals are necessary, such as a variance, this should be noted as well.

## **Record Keeping**

**§50** The records of all applications should be complete, from the first contact to the final approval.

Try this test of your record keeping: can you pick up the office file of any application that has been approved and constructed and follow each step – from the first contact of the applicant to the last permit?

Generally, all records regarding zoning applications are considered permanent and are kept in perpetuity.

Project files should include, at a minimum:

- ➡ Relevant pages of minutes at which the proposal was discussed;
- ➡ Staff notes, meeting notes, correspondence, telephone conversation notes, etc.;
- ➡ A copy of the application and supporting material;
- ➡ An approved/signed copy of the site plan; and
- ➡ Follow-up correspondence (as noted above).

### **If You Build It, We Will Come . . .**

**§51.** . . to make sure it complies with the site plan that was approved. Someone should be given direct responsibility to make sure that any conditions or changes required by the commission are fully completed. Sending the building official a copy of the approved site plan could help this process.

**TIP:** If you are sued, check with your municipal attorney and make sure that he or she is experienced in land use litigation. Not all municipal attorneys are skilled in land use law and they will not mind if you ask them about their qualifications. If they are not as experienced as you would like, you should find another attorney to represent your city or village in the suit.

### **How to Avoid Litigation**

**§52** The short answer to avoiding litigation is simple – you can't! Governments are always open to lawsuits, regardless of the quality of their decisions. Far too often, disappointed applicants or neighbors look to the courts to solve their problems. As a result, you should not be overly influenced or concerned about whether or not your decision will result in a lawsuit – provided you have followed the ordinance and acted within your authority.

However, there are some actions you may take to strengthen your legal position should your decision be challenged.

Following an effective decision making process, as we have outlined here, is a start. As you have seen, the zoning process involves a wide variety of technical, administrative and judgmental factors.

Technical factors may include complying with the numerical requirements of the zoning ordinance such as setbacks, height and parking.

The administrative requirements include ensuring that notices are mailed and published, meeting procedures followed and other similar actions.

Finally, and probably most important, make sure that you properly use the judgmental factors to make effective zoning decisions. The standards provided in the zoning ordinance are the clearest guide you have to reaching a decision. All decisions must be based on these standards and the facts that are used to apply them.

## **Chapter 7**

# **The Future for Planning Commissions**

### **The New Age of Access**

**§53** We live in a time when the world is shrinking and our horizons are expanding. Communication technology is changing almost daily. Planning commissions will be faced with new challenges and opportunities that come with these changes.

### **Internet**

**§54** The Internet created exciting new opportunities for planning commissions to communicate with the public.

Contrary to popular belief, most commissioners want the public to be involved in their decisions, whether it concerns a new master plan, zoning change or a simple site plan review.

Many communities now have web sites that have details about tourist stops, census data, meeting agendas, schedules, boards and commissions and a wealth of other information.

Planning commissions may take advantage of this resource to summarize their past actions, provide information about future applications and hearings and to educate the public about planning issues.

The Web can also be a resource for information for the commission. The University of Michigan (<http://www.umich.edu>), Michigan State University (<http://www.msu.edu>) and the Michigan Department of Management and Budget (<http://mic/dmb.state.mi.us/dmbhome>) each maintain an extensive collection of data and maps at the state, county and local levels.

Another resource available through the Internet is electronic mail, or e-mail. This may allow the public to simply e-mail their comments regarding a particular application if they cannot be present at a meeting.

In the future the Internet will be able to provide “real time” (or live) communication between participants through their computers or home television sets.

In other words, the possibilities are nearly endless. If properly used, they can make the zoning and planning process more open to input from a better informed public.

### **Visual Tools**

**§55** The variety of visual tools available today, from digital cameras to video recording, provides an opportunity for commissioners and the public to participate together in the planning and zoning process.

Recording images of a proposed site, with a picture of future buildings and parking areas superimposed on it provides an accurate depiction of the design, circulation and environmental issues that might arise.

Another useful tool that is becoming available is geographic information systems, or GIS. A GIS ties a graphical map to information available about that map. For example, a map may depict property lines, but a GIS would provide additional information about the zoning, land value, ownership or any other data available about that property.

### **Other opportunities include:**

- **Videoconferencing** for educational seminars, joint community meetings or

other purposes are also being made more available and affordable.

- ➡ **Computer CDs** with thousands of pages of information on a wide variety of topics are easily obtainable.

### **Future Implications**

**§56** Changes in technology are rapidly improving the availability of information. As people become more aware of their environment and the level of concern about how their community develops increases, it is likely that at least some of those who come to meetings or participate from their homes will be more knowledgeable and their views more sophisticated.

The implications for planning commissions in the future are widespread.

- ➡ As a planning commissioner, you will have to become more knowledgeable about projects and their potential effects on the community.
- ➡ You will be expected to absorb increasingly more technical information about the environment and technology. As a result, you will probably become more dependent on experts to guide your decisions.
- ➡ As your decisions become more technical, zoning ordinances will likely become more complicated and sophisticated. Ensuring compliance with ordinance standards will become even more important.
- ➡ The information you receive is likely to be more accurate and presented in ways that are more easily understood. The use of surveys, focus groups and informational meetings will become much more valuable as methods of securing opinions improve.

### **Training**

**§57** Planning commissioners should actively seek out training opportunities that are available through several statewide organizations, including the Michigan Municipal League, the Michigan Society of Planning Officials, the Michigan Townships Association and others. Some communities have adopted policies that require attendance at training sessions as a condition of appointment or reappointment to the planning commission.

### **The New, Improved Commissioner**

**§58** In short, planning commissioners of the future will need to be better trained to deal with the public, understand technical issues and be aware of development alternatives that may be available.

To accomplish this, commissioners will need a clear vision of the future of their community, more sophisticated regulations and a degree of sensitivity in dealing with the public.

### **You Can Do It!**

**§59** As you go through your term as a planning commissioner, you will learn much about building a better community. You should also have a sense of accomplishment and satisfaction in knowing that you are helping the community through its many changes.



## **Glossary**

**Accessory Building, Structure or Use** – A building, structure or land use that is supplemental to the main structure or use.

**Americans With Disabilities Act (ADA)** – A comprehensive federal civil rights statute, Public Law 101-336, enacted in 1990, that provides disabled individuals with legal protection from discrimination in a broad range of public and private sector activities and services.

**Americans With Disabilities Act Accessibility Guidelines (ADAAG)** – Issued in conjunction with Titles II and III of the Americans With Disabilities Act on July 26, 1991, the guidelines contain general design standards for building and site elements, such as accessible entrances, routes, ramps, parking spaces, stairs, elevators, restrooms, signage, etc.

**Barrier Free** – Accessible to and usable by all citizens, including persons with permanent or temporary conditions which reduce coordination or mobility or make walking difficult or insecure, and persons with visual or hearing impairments, elderly persons and wheelchair users.

**Barrier Free Environment** – Containing no obstacles to accessibility and usability by people with disabilities.

**Blight** – Social and/or physical decay of the community. It is usually seen as decay of the central business district and a certain segment of the housing stock.

**BOCA** – Building Officials and Code Administrators International.

**Brick or Stone Sand-Set Paver** – Brick or stone set in sand and placed around a tree to allow water infiltration and give protection from pedestrians.

**Builders Risk Insurance** – Coverage which protects against physical damage to a building or structure during the course of construction. The coverage extends to equipment to be installed or incorporated in the structure. Coverage can be on either a named peril form or an all-risk form. Occupancy of the building or structure generally terminates coverage under the policy.

**Building** – Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition usually includes tents, awnings or vehicles situated on private property and used for purposes of a building.

**Building Code** – A set of regulations governing the construction of buildings.

**Building Inspector** – A state registered individual, usually employed by a municipality, responsible for the inspection of a structure for which a building permit has been issued by the municipality.

**Building Official** – A state registered individual responsible for the administration and adoption of construction codes. May include inspection responsibilities.

**Building Permit** – An official document issued by a city, village, township or county which grants permission to a contractor or private individual to erect a building or make improvement to an existing structure.

**Clear Floor Space** – The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

**Cluster Development** – A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

**Community Development** – A plan or program for improving or revitalizing a designated area or areas of a community, often including historical preservation.

**Community Development Block Grant Program** – The principal federal program providing grants to states, cities, towns and counties to devise innovative and constructive neighborhood approaches to improve the physical, economic and social conditions in their communities. The program has two components: Entitlement and Small Cities. The Entitlement portion of the program provides funds on a formula basis to cities and urban counties of over 50,000 population. The Small Cities portion of the program is available to small cities, townships and villages of less than 50,000 population and non-urban counties on a competitive basis. The program began as part of the Housing and Federal Community Development Act of 1974, amended, Public Law 93-383.

**Composting** – Decomposition of leaves, grass clippings and other biodegradable wastes.

**Comprehensive Plan** – See master plan.

**Conditional Use** – A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance. Special land uses have characteristics that make them potentially incompatible with adjacent uses of land unless special care is taken during the review process.

**Condominium Act** – 1978 PA 59, as amended. An act relative to condominiums and condominium projects. Major purposes of the act are to provide consumer protection and improve administrative procedures.

**Condominium Project** – A plan or project consisting of not less than two condominium units established in accordance with the Condominium Act, 1978 PA 59.

**Condominium Structure** – A building or structure constructed within a condominium project and intended for uses permitted in the zoning district in which it is located.

**Condominium Subdivision Plan** – The drawings and information prepared in accordance with Section 66 of the Condominium Act, 1978 PA 59.

**Condominium Unit** – The portion of a condominium project designed and intended for separate ownership use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit or any other type of use.

**Cul-de-sac** – A street, one end of which is closed and consists of a circular turn around.

**Dedication of Land** – A means of extending to developers the cost of certain public services needed to serve new development. For example, in lieu of requiring a cash payment for such improvements, governments may use their regulatory powers to require that developers dedicate land to parks needed for a new subdivision.

**Density** – The number of dwelling units or useable area per acre allowed on a parcel of land.

**Discretionary Standards** – General standards in an ordinance which are used to review site plans, special land uses, etc., to determine if a land use proposal is compatible with adjacent uses of land, natural resources and public services as regulated and defined in the zoning ordinance.

**Easement** – A right to use property owned by someone else, usually for a specific purpose. Most easements are used by utility companies.

**Egress** – Traffic outlets from private property to public roadways or exits from buildings or other facilities.

**Eminent Domain** – One of three major powers of local government (police power, taxation and eminent domain) which allows it to take private property for public use “with just compensation.”

**Environmental Assessment** – A multiphase analysis of a parcel of property to determine the likelihood of discovering hazardous contamination on the parcel. Environmental assessments commonly include visual inspections of property, document searches to determine proper use of a parcel and detailed soil and groundwater sampling to ascertain the presence of hazardous or toxic constituents.

**Excepted Parcel** – Land excluded from a development project that may border it on up to three sides.

**Façade** – The exterior of a wall of a building or all walls of adjacent buildings facing in one direction.

**Fair Market Value** – The cash value of a property sold by a willing seller to a willing buyer.

**Fence** – A structure erected upon a property line or front yard setback line for the purpose of separating properties, or for

screening, enclosing and/or protecting the property within its perimeter.

**Fence, Decorative** – A permanent barrier not used for enclosure. Any such fence may be a part of the overall landscape plan and may be composed of natural materials.

**Finding of Fact** – In an administrative proceeding setting, a concise statement of the action taken by the members of a planning commission which has the responsibility of determining the facts relevant to decide the issue or controversy being considered.

**Floodplain** – Nearly level, lowland areas that are subject to overflow flooding from bodies of surface water.

**Geographic Information System (GIS)** – A system that combines computer aided drafting and design and relational database managers to enable the collection and analysis of data with location and element attributes.

**GIS** – See Geographic Information System.

**Grandfathering/Grandfather Clause** – Legally, the exemption from regulatory or legislative enactments due to an entity's existence or operation prior to activation of a rule, act or law.

**Greenway** – A linear open space that stretches into or around municipalities, usually containing trees, shrubs and grassy areas.

**Home Occupation** – An occupation that is a secondary use, which is clearly subservient or incidental to the use of a one-family dwelling unit for residential purposes, usually subject to special conditions.

**Hydrography** – When used in the context of mapping, hydrography refers to the display of the locations of streams, lakes

and other bodies of water. In the context of a geographic information system, hydrographic refers to a layer of the graphic database containing this information.

**Hypsography** – Topographic relief or the mapping of varying elevations on the earth's surface. Commonly seen displayed as contour lines on various map products.

**Infrastructure** – The network of services and facilities which are necessary for the development, operation and growth of a city or village, including streets, water supply, sewerage, storm drains, etc.

**Impact Fee** – A charge to developers for the cost of off-site improvements needed to serve a new development. Impact fees provide up-front financing for the expansion of public facilities, such as the expansion of water and sewer treatment facilities or arterial roads, needed to serve a new development.

**Industrial Park** – A coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may be subsidized, may have condominium ownerships or a combination of these types.

**Infrastructure** – Those services and facilities which are necessary for the development, operation and growth of an organization, municipality or nation. Such services and facilities would include transportation, communication, utilities, productive enterprises, retail centers, residential developments, recreation sites, etc.

**Land Development Transfer Act** – A potential alternative to annexation. 1984 PA 425 allows the conditional transfer of land from one local unit of government to

another, based on local consent, for a period of not more than 50 years for the purpose of economic development. An intergovernmental contract stipulates conditions. For example, the manner and extent to which taxes and revenues are shared.

**Land Use** – Refers to the determinations made as to how various areas of land may be used.

**Lien** – A claim on assets, especially property, for the payment of taxes or utility service charges.

**Lot** – A piece of land divided from a larger parcel.

**Lot Lines** – The boundaries of a land parcel.

**Manufactured Housing** – A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

**Master Plan** – An officially adopted municipal government document which serves as a policy guide to decisions about the physical, social, economic and environmental development of the community.

**Non-Conforming Use** – A use which lawfully occupied a building or land at the effective date of an ordinance, or amendments thereto and that does not conform to the use regulations of the district in which it is located.

**Nondiscretionary Standards** – Measurable criteria such as a setback, height or bulk regulation that must be met or complied with in order to get a zoning approval.

**Older/Urbanized Communities** – Those communities in a region that are more than 100 years old and/or were largely developed by the mid-twentieth century. Because the population total is, and will remain, fairly static, most “growth” in this metropolitan area will mean a shifting of population, rather than new in-migration population. The older/urbanized communities are generally the ones drained by inter-regional shifting.

**Open Space** – That ground area and the space above such ground area, which is unimpeded from the ground to the sky by any structure, except that the area may be used for environmental, landscaping or recreational purposes. Parking lots, storage areas for vehicles and material and roads shall not be considered as open space.

**Ordinance** – A law or an order enacted by a municipal government, usually pertaining to a specific subject, as in an Animal Control Ordinance.

**Ordinance Code** – A systematic integration of all municipal ordinances into a single book, organized by subject matter, tied together by a common numbering system and thoroughly indexed.

**Other Permitted Use** – A land use permitted in a zoning district only under special conditions. The term does not include principal uses permitted in the ordinance.

**Performance Bond** – A financial security collected by a community from an applicant to insure that required improvements are actually constructed.

**Performance Standard** – A regulation that admits or denies a particular use in a

zoning district on the basis of the proposed use’s capability to meet noise air pollution vibration, heat, visual impact or other standards.

**Planned Unit Development (PUD)** – A zoning development management approach to physical growth which combines housing, commercial, light manufacturing and open space uses all in the same zone, while maintaining an overall density comparable to conventional development.

**Plat** – The map of a subdivision, showing the number and dimensions of lots, public rights-of-way and easements.

**Principal Use** – The primary, major, main, leading, outstanding or chief use which land serves or is intended to serve.

**Reasonable Accommodation** – The principle by which employment and public accommodations are made accessible to people with disabilities. Under the Americans with Disabilities Act , employers are required to make certain adjustments to the known physical and mental limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment would be unreasonable or impose an undue hardship on the employer.

**Required Parking** – The minimum number of square feet or spaces required by the zoning ordinance to be reserved for parking automobiles.

**Rezoning** – The process for changing a zoning from one classification to another.

**Riparian Corridor** – The green area along a waterway such as a river, stream or lake.

**Riparian Right** – The legal right to use or distribute both above and below ground water sources of riparian land.

**Setback** – The required minimum horizontal distance between the building line and the related front, side or rear property line.

**Sidewalk Pit** – The small patches of soil found amid the sidewalks of the most urbanized sections of a city. The pits are designed as “street planters” for trees and other greenery.

**Sign** – The use of any words, numerals, figures, devices, designs or trademarks that are used to show an individual firm, profession or business and are visible by the general public.

**Site Condominium** – A condominium project in which each co-owner owns exclusive rights to a parcel of land known as a condominium unit. According to the master deed, the owner has a right to construct a residence or other authorized building within the condominium unit.

**Site Plan** – A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

**Special Land Uses** – Those uses of land which may be appropriate and compatible with existing or permitted land uses in a particular zoning district if individualized care is taken to assure that the characteristics of the use under consideration are compatible with adjacent land uses, the natural aspects of the site and the general character of the area, including availability of public services and facilities.

**Subdivision** – The legal separation of a parcel of land into lots for future sale and/or development.

**Topology** – A display of information that produces one uniform data set that is

derived from two or more data sets. For example, when we query the geographic information system (GIS) for all of the vacant parcels that are five acres or greater and are within two miles of an expressway node, the resulting display of the data that meet the conditions would be topology.

**Unnecessary Hardship** – A standard an applicant must prove has been met in order to gain approval for a variance.

**Urban** – A geographic area having the characteristics of a city, especially in terms of population. Opposed to rural, which usually describes an area of small population and agricultural activity.

**Urban Sprawl** – A generic term to describe what is really a two-part process – sprawling low density growth at the suburban fringe and the concurrent disinvestment and abandonment of older urbanized communities.

**Use** – The purpose to which a land parcel is being or is proposed to be put.

**Variance** – The decision to alter the provisions of a land use ordinance, usually on a single piece of land.

**Zoning** – Designating certain geographical areas of a community for specific purposes, as residential zone, commercial zone or agricultural zone.

**Zoning Board of Appeals** – The body that considers appeals from administrative zoning decisions.

**Zoning Classification** – The name given to types of zones such as single family residential, rural residential, agricultural, regional shopping, neighborhood shopping, office, industrial, etc.

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VILLAGE OF DECATUR  
DECATUR TOWNSHIP  
HAMILTON TOWNSHIP

# Joint Comprehensive Plan

2017



Hamilton Township



Village of Decatur



Decatur Township

**Adopted:**

Decatur Village – May 1, 2017

Decatur Township – May 11, 2017

Hamilton Township – May 9, 2017

*This plan was developed by a joint planning committee with representatives from Decatur Village, Decatur Township and Hamilton Township. The Southwest Michigan Planning Commission assisted the committee.*

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## **Introduction**

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### **Overview**

The Decatur-Hamilton Area Master Plan is a joint effort by the Village of Decatur, Decatur Township, and Hamilton Township to guide the future growth and development of the area for the benefit of all three communities. The basis for the development of this Master Plan is the desire on the part of the residents, appointed Board and Commission members, and elected officials to ensure that the Decatur-Hamilton area retains the features and characteristics which they treasure and continues to prosper well into the future. The strong agricultural heritage of both townships, the center of commerce found in the Village, and the high quality of life found throughout the entire area are but a few of the attributes which exemplify that which all three communities desire for the future.

The Master Plan is designed to identify and clarify the goals of the communities, develop strategies for land use, and define a clear and concise implementation plan to help each community achieve success. The process that is employed in this undertaking is to gather and analyze pertinent information that yields a “snapshot” of existing conditions as they exist within the community today.

This snapshot includes information relative to natural features, socio-economic characteristics, and land use.

Identification of existing conditions is followed by clarifying the visions and goals of the local communities. This is achieved through the use of community surveys, visioning sessions, and discussions with a wide cross-section of community members. From this step a series of goals are developed that are then combined with the existing conditions to shape alternative responses or strategies for the future growth and development of the community. These alternatives help to clarify how the community will strive to achieve its goals in the areas of residential, commercial, and industrial development, community facilities services, parks and recreation, transportation, natural features, farmland, open space and housing development. The process concludes with an in-depth identification of the methods that may be employed to implement the identified development alternative. Implementation methods may include education and outreach efforts, public policy and

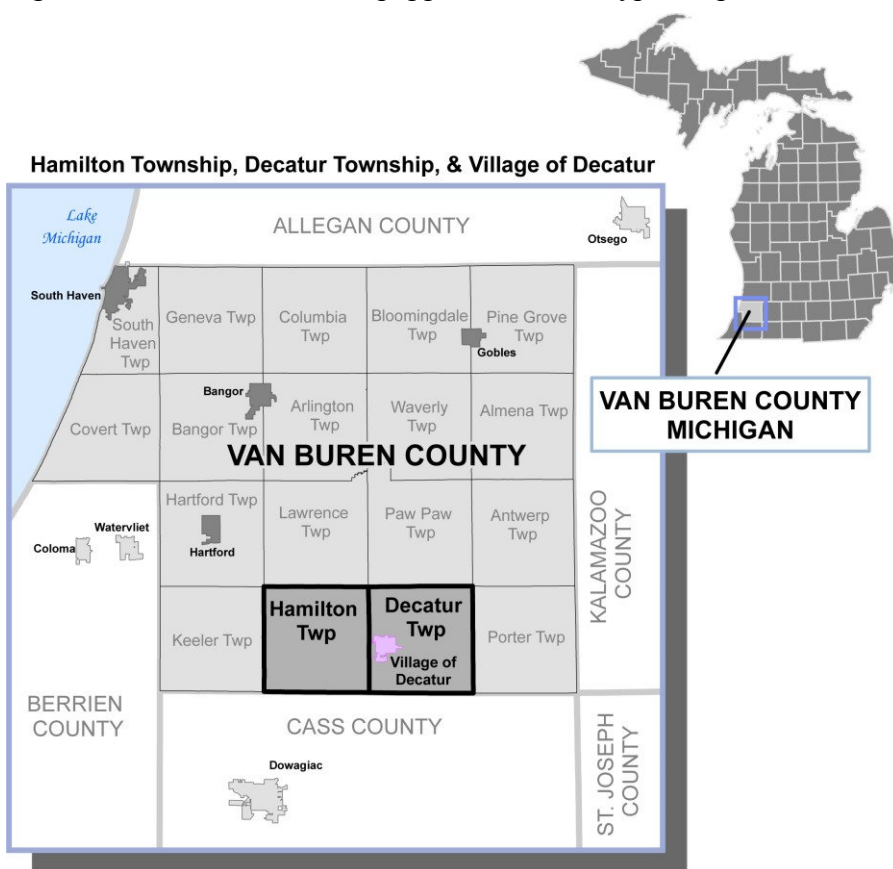


regulatory actions, public facility improvements, and economic development efforts. It is through the successful implementation of the development alternatives that the visions and goals identified by the communities can be achieved over time.

### Regional Context

The Decatur-Hamilton area, which for the purposes of this plan is defined to include the Village of Decatur, Hamilton Township, and Decatur Township, is located in the extreme southern portion of Van Buren County, in the southwestern section of Michigan's Lower Peninsula. The area is located approximately forty miles from Kalamazoo, South Bend, Indiana, and Benton Harbor. Due to the distances from each of these communities, none have historically exerted significant development pressures on the Decatur-Hamilton area, though increasingly they provide opportunities for area residents to seek employment, shopping opportunities, and entertainment opportunities.

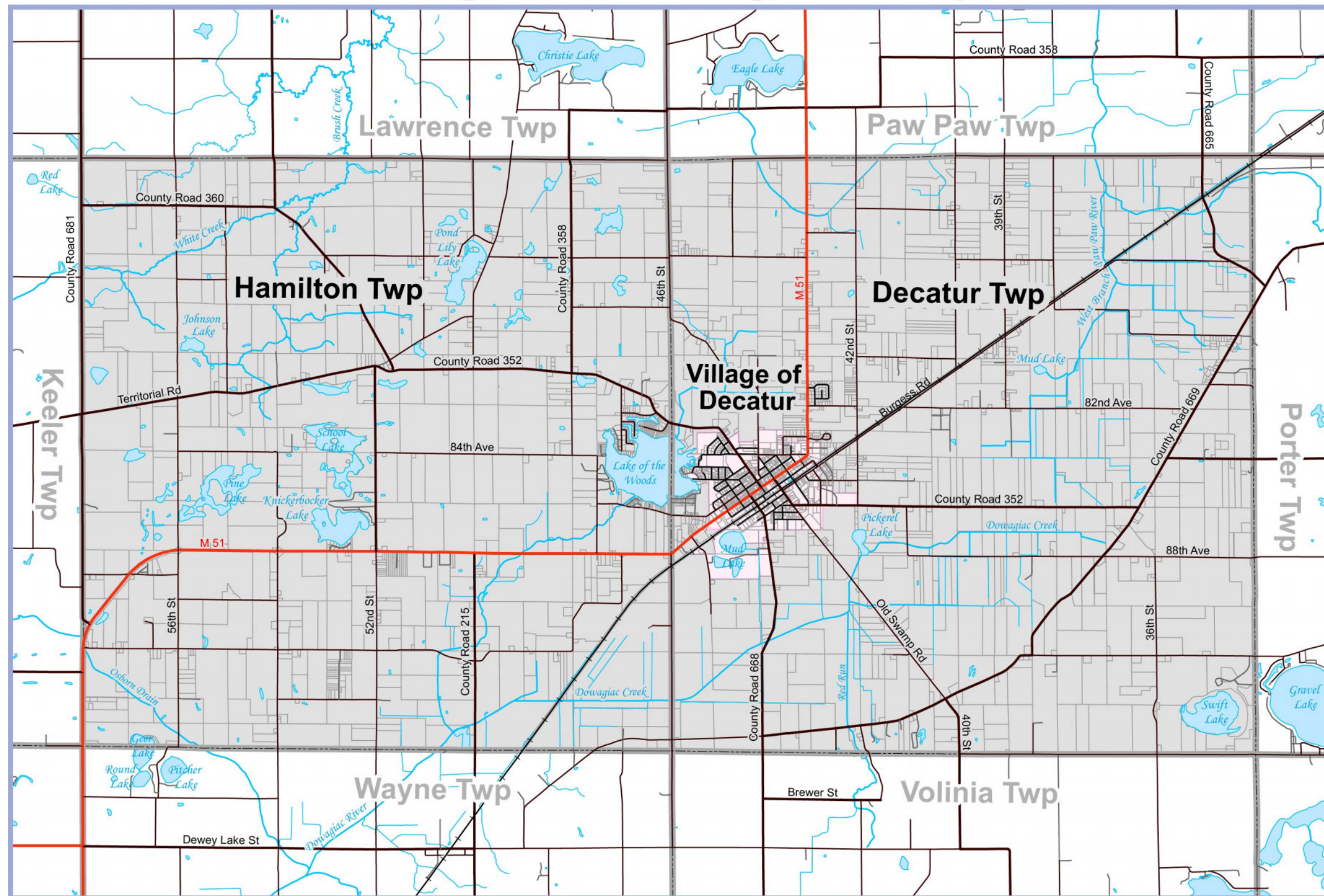
The area lies in what is referred to as Michigan's "Fruit Belt". The farms in the Decatur-Hamilton area tend to focus on crops including strawberries, cucumbers, peppers and other types of produce. Historically, it is the agricultural activities that have had the greatest influence on the character and development pattern of the Decatur-Hamilton area. Historic and contemporary agricultural activities contributed significantly to the development of the Village of Decatur as a commercial center and to the rural character of both Decatur and Hamilton townships.



### Southwest Michigan Planning Commission

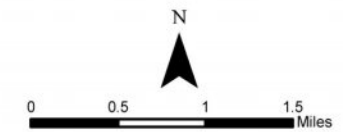
The Decatur-Hamilton area lies within the Southwest Michigan Planning Commission (SWMPC) jurisdictional area. The SWMPC is one of fourteen planning and development regions in the State of Michigan, servicing local communities and private entities within Berrien, Cass, and Van Buren Counties through the provision of technical services, staff support, and information for a variety of Federal, state, and local programs. Economic development planning, grant writing, master planning, and zoning ordinance development are some examples of the range of services provided by SWMPC. For more information about SWMPC visit [www.swmpc.org](http://www.swmpc.org).

# Hamilton Township, Decatur Township, & the Village of Decatur



## Legend

- Township
- Parcel



## Data Sources

Base Map: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009

## Southwest Michigan Planning Commission

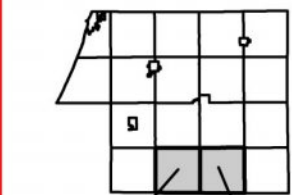
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## Van Buren County



Hamilton Township

Decatur Township





## Van Buren County

The Van Buren County Planning Commission was established in 1968 under Public Act 282 of 1946, as amended. The Planning Commission is authorized under the Act to develop a County Plan to assist in guiding and accomplishing coordinated, adjusted, and harmonious development of the County. The Van Buren County Planning Commission is responsible for reviewing all zoning ordinance amendments, new and revised master plans, and P.A. 116 agreements in all townships in the County. The Decatur-Hamilton Joint Master Plan will be reviewed by the Van Buren County Planning Commission for consistency with the Van Buren County Comprehensive Plan. The 2006 plan seeks to accomplish this charge by providing a process to help local governments in the County develop specific land use objectives compatible with surrounding areas. The County utilizes the Guiding Principles adopted by the Michigan Society of Planning (MSP). The MSP Community Planning Principles have also been adopted by both the Decatur and Hamilton Township Planning Commissions are included in the Appendix of this plan. The county plan is meant to serve as a guide that facilitates land use decisions in Van Buren County. The plan provides the following guiding statements:

### ***Value Statement***

- Protect rural character
- Promote sustainable development
- Save unique natural features
- Maintain agricultural heritage
- Demonstrate respect for local control
- Ensure future quality of life

### ***Vision Statement***

Van Buren County will have development that meets the needs of the present without compromising resources necessary for future generations.

### ***Mission Statement***

The Mission of the Van Buren County Planning Commission is to facilitate a consistent and sustainable land use pattern in the County.

Primarily, the Van Buren County Planning Commission views its role as serving as an advocate for

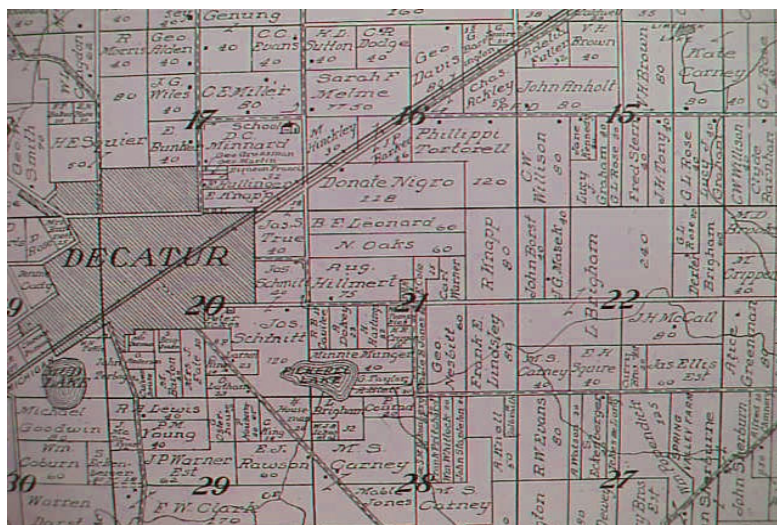
the guiding principles identified in the plan, through both education and the review of proposed land use plans and ordinances.

Another county plan that is of importance is the Hazard Mitigation Plan developed by the Emergency Preparedness Office of the Sheriff. This plan addresses natural and man-made hazards threatening the county. This county plan must be updated every 5 years and approved by each local unit of government.

### Historical Development

Decatur and Hamilton Townships were both formally organized as townships in 1837. Settlers first arrived in Decatur Township in 1829 and in Hamilton Township in 1833, following occupation by

Native Americans for generations. In 1829, the Legislative Council of the Territory authorized the survey and establishment of a road from Detroit to the mouth of the St. Joseph River. This road was named Territorial Road. This road became the stage coach route and the main path of settlers moving west. People started settling in Hamilton Township in 1833. In 1836, Robert Nesbitt built a water-powered sawmill on



*Source: 1876 Atlas of Van Buren County*

Brush Creek. His mill supplied the lumber to build railroads and many houses and barns. The first cargo of walnut lumber ever shipped around the Cape Horn to California was a product of Hamilton forests and Mr. Nesbitt's mill. In 1837, Henry Coleman built a hotel and general store east of the intersection of Territorial Road and what is now County Road 215. He also established a post office. This hotel, later known as Brown's Tavern was a main stop on the stage run to St. Joseph. The completion of the Michigan Central Railroad caused the demise of the stage lines. Henry Fritz

bought the property in 1890 and built a new store. His store became the telephone and post office. The area was renamed Fritzburg, the store is long gone, but the name still remains on some maps.

The first school known as the Red School House located near Brown's Tavern was opened with 20 students in 1837. This later became known as the Barber School. Other schools including the Nesbitt School and the Corwin School followed. In 1856, Mr. Nesbitt built a flourmill near his sawmill. This mill was later sold to John Wassman and continued in operation until it burned down in 1914.

The Hamilton Grange was started at a meeting in the Red School in 1874. The members built a hall in 1875. This Grange Hall became the social center of the area and was where the township meetings were held until the new township hall was built. The first meeting in the new Hamilton Township Hall was in November of 1999. The grounds around the Grange Hall were the site of the Hamilton (Donnybrook) Fair. The Fair had up to 5000 visitors each season and was active until the County Fair was established in Hartford in 1913.

In 1847, land speculators from New York City acquired a government land grant of 5,000 acres and the town of Decatur was laid out in anticipation of the arrival of the railroad. The Michigan Central Railroad arrived in the area in 1848 and the Village was formally platted in 1849, with incorporation following on October 11, 1859.

By 1880, the population of the Village of Decatur had approached 2,000 persons. In its earliest years, the Decatur-Hamilton area was noted for its wood products which included wood staves and barrels. These industries benefited from the abundant forests that covered a great deal of the Decatur-Hamilton area. Near the latter part of the nineteenth century, most of the forests had been cut and the businesses that depended on them began to close and move away. With the cleared land and the rich soil that covered much of the area, farmers began to clear the remaining trees and drain the wetlands in the area.

By the turn of the century, the Decatur-Hamilton area was a leader in agricultural production. Large

crops of peppermint, celery, grapes, potatoes, and onions were grown throughout the area. The area had become so prosperous and well known that Decatur actively competed with Kalamazoo in trying to lure the Western Michigan Normal School, which would later become Western Michigan University, to the banks of Lake of the Woods. By 1927, more than 11,000 acres of land in the Decatur-Hamilton area were dedicated to the raising of peppermint and grapes, with an additional 5,000 dedicated to raising celery.

This prosperity continued throughout much of the twentieth century. During the 1950 decade, new businesses including a modern grocery store and an automobile dealership were opening businesses in the Village of Decatur. Though agriculture remains a vital component of the local economy, the decades of the 1970's, 1980's, and 1990's saw farmers struggle with maintaining an active livelihood in farming. At the same time, the area began to see an increase in the number of new homes, with residents attracted to the rural character of the area and its close proximity to surrounding metropolitan areas.

Increasingly, residents of the Decatur-Hamilton area have pursued their occupations outside of the area. At the same time, the Village business district has experienced a decline in economic activity as people who work outside of the area began to also shop outside of the area. However, due to its strategic location near the metropolitan areas of Kalamazoo, South Bend, and South Haven, its high quality of life, and its strong agricultural base, the Village of Decatur, Decatur Township, and Hamilton Township continue to experience prosperity and a promising future.

### **Strategic Issues**

An evaluation of the Decatur-Hamilton area in terms of its regional location, historic development pattern, economic situation, and natural features begins to reveal several key strategic issues that begin to frame the identification of goals and objectives, the Master Plan, and the Future Land Use Plan. These issues are presented in the following and will be discussed further throughout this plan:

## Land Use Issues

### ***Protection of Farmland and Open Space***

A significant portion of the Decatur-Hamilton area is comprised of agricultural lands and open space. Agricultural activities continue to account for millions of dollars in local economic activity. Hundreds of residents continue to depend upon agricultural activities for at least a portion of their income. Several large sections of the Decatur-Hamilton area contain soils that are considered prime agricultural land by the Natural Resource Conservation Service, and thus represent a significant resource for the local and regional economies.

### ***Preservation of Rural Character***

As mentioned previously, a significant portion of both Decatur Township and Hamilton Township remains in open lands or is actively farmed. The physical character associated with this historical pattern (open land, very low density residential development, presence of agricultural activities, etc.) constitutes a powerful visual image of the Decatur-Hamilton area.

### ***Reinforcement of the Village of Decatur as the Economic Center of the Area***

Historically, the Village of Decatur has functioned as the economic center of the Decatur-Hamilton area, which is the location where the majority of economic transactions occurred. The Village remains a classic example of traditional neighborhood development, where homes, businesses, and public institutions are located in close proximity to one another and surrounded by large areas of open space. In recent decades however, Decatur's role as the economic center has begun to diminish, with residents of the Decatur-Hamilton area traveling outside of the area for shopping and employment.

### ***Preservation of Historic Sites and Features Significant to the Heritage of the Decatur-Hamilton Area***

The Decatur-Hamilton area has a long history of human settlement. Numerous artifacts remain of this history and heritage, ranging from vernacular farmhouses to mill sites. In addition, an artifact museum is housed in the Decatur Township hall. In many ways, these artifacts represent the last links to the past development and land use practices associated with the Decatur-Hamilton area.



## Economic Issues

### ***Increase in Shopping Opportunities***

As mentioned previously, the Village of Decatur historically serves as the center for commerce activities for the surrounding area. However as consumer preferences change and mobility increases, the need for additional shopping opportunities has become evident. Currently many of these shopping needs are being met outside of the area in locations such as Paw Paw and Kalamazoo. There is a desire for Decatur to continue offering small local business shopping opportunities in the downtown.

### ***Increase in Employment Opportunities***

Historically, farming represented the primary occupation of residents in the Decatur-Hamilton area. As the economy shifted toward manufacturing and service occupations, the residents in the area followed jobs to locations generally outside of the Decatur-Hamilton area, to locations such as Kalamazoo or South Bend, Indiana. Decatur wants to continue to support and expand family farming and manufacturing employment opportunities.

## Natural Features

***Protection and Enhancement of Water Quality (wetlands, lakes, streams, groundwater)*** The Decatur-Hamilton area's unique position at the upper reaches of the Dowagiac and Paw Paw River watersheds and its continued reliance on groundwater as a drinking water supply, require that greater attention be given to the protection and enhancement of water quality and to those activities or items that contribute positively or negatively to it. Lakes and streams play an integral role in the Decatur-Hamilton area. Several lakes and the Dowagiac River, Brush Creek and The West Branch of the Paw Paw River are surrounded by valuable housing and provide recreational opportunities for residents and visitors alike. It will be important to encourage landowners to develop/maintain natural shorelines along these lakes to ensure water and habitat quality are optimal. There is increasing concern that sanitary sewer is needed around Lake of the Woods to protect the water quality of the lake. The lakes, streams, and wetlands also provide valuable wildlife and aquatic plant habitats. Furthermore, each contributes significantly to flood control, improving water quality, and to the area's sense of place or character. Attention should

be given to the continued protection and enhancement of these valuable features.

### ***Protection of Open Space***

Large areas of both Decatur and Hamilton Township are currently open space. Much of this land is active agricultural land, though stands of trees, lakes, and wetlands are also found. These open spaces are vulnerable to impacts from development or changes in land use. Attention should be given to the protection of significant areas of open space, particularly relative to the agricultural landscape and to those areas that contribute to the rural character of the townships.

### **Community Facilities and Utilities**

#### ***Expansion of Public Drinking Water Supply and Wastewater Treatment***

Historically, the Decatur-Hamilton area has relied on ground water for its drinking water supply, typically in the form of individual on-site wells. Likewise, residents in the area (outside of the Village) typically rely upon on-site treatment (septic tanks and drain fields) for wastewater disposal. This remains the case for the vast majority of the area, with only the Village of Decatur utilizing a public water supply and distribution system as well as a community wastewater collection and treatment system. As the population continues to grow, densities intensify, it may compromise the groundwater for safe drinking. There may become a need to consider the expansion of public systems for drinking water supply and wastewater treatment. The need for expanding sanitary sewer to properties around Lake of the Woods may be needed to protect the water quality of the lake and for public safety. In the meantime, residents should be encouraged to maintain and pump out septic systems regularly. The Village has a wellhead protection program to protect drinking water supplies. The Village and Townships may consider a joint public safety department to provide services more effectively and efficiently.

#### ***Provision of Adequate Recreational Facilities***

Increasingly, communities are recognizing the value of sufficient recreational facilities. Recreational opportunities in the Decatur-Hamilton area are limited and typically are found within the Village. Additional recreational facilities are beginning to be developed in the townships and are designed to

complement the offerings found in the Village and include larger scale recreational facilities such as hiking and snowmobile trails. The major issue is maintaining and upgrading current facilities. The Village has a current Recreation Plan that guides the provision of recreation facilities in the Village.

**Summary:**

- The Decatur-Hamilton area is located in a region of southwestern Michigan with a strong heritage of agricultural activities.
- Previous regional planning activities have occurred in specific areas and help to facilitate an understanding of the issues surrounding growth management, protection of natural features, and intergovernmental cooperation.
- As land use patterns have changed over time, issues such as farmland preservation, protection of rural character, increasing economic opportunities, and strengthening the Village's position in the area, have increasingly grown in importance.

# Survey and Analysis

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## Overview

Identifying and analyzing existing resources, facilities, and services is an integral part of gaining knowledge about the existing conditions of a community. It is this base of knowledge that combined with historical development patterns, current and projected trends, and a community's wishes and aspirations that will facilitate the development of alternative development patterns. The following seeks to provide this information base in as comprehensive a manner as possible while retaining a relevancy to the effort being undertaken.



## Land Features

The natural features such as views of active farms and undeveloped open space that are present in and around the Village of Decatur, Decatur Township, and Hamilton Township have for centuries influenced greatly the type and location of development in the area. Natural features remain a significant determinant of the location, quantity, and more often, quality of future development.

## Geology<sup>1</sup> and Topography<sup>2</sup>

The Decatur-Hamilton area is located in Van Buren County in the southwestern portion of Michigan. The landscape of Van Buren County was formed by action of the Lake Michigan Lobe of the Wisconsin glacial ice sheet. This glacial action resulted in five dominant landscape features found in the County; moraines, till plains, outwash plains, lake plains, and drainage ways including areas where muck and silt were deposited by ponded water on till plains. Some areas of the moraines have, over time been modified by windblown sand and ponded water. Three major moraines (ridges) traverse the county in a generally northeast-southwest line. The Kalamazoo morainic system is in the southeastern corner of the County and passes through Decatur Township.

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<sup>1</sup> Soil Survey of Van Buren County, USDA

<sup>2</sup> United States Geologic Survey Topographical Quadrangle Maps, Van Buren County

Topography in Van Buren County ranges from knobby ridges and basin like depressions in the terminal moraine areas to gentle slopes and flat bottom land on the outwash and river flood plains. The hills of the Kalamazoo moraine rise 160 to 190 feet above the till plain. The internal relief on the moraine is 50 to 75 feet. The basins are 25 feet or more below the outwash level. The hills of the Valparaiso moraine rise as much as 150 feet above the surrounding areas. Relief however, on this moraine, varies considerably across the County. Within Decatur Township and Hamilton Township, there is very little change in topography with the exception of that area south of Valley Road. In this area, it is an example of a terminal moraine rising dramatically above the flat bottom land. The area on top of this ridge is extremely important for groundwater recharge in the area below.

### Soils<sup>3</sup>

The General Soil Classification for the area that includes the Village of Decatur, Decatur Township, and Hamilton Township is primarily the Coloma-Spinks-Oshtemo association. Also present are the Adrian-Edwards-Houghton association, the Gilford association, and the Oshtemo-Kalamazoo association.

The Coloma-Spinks-Oshtemo association represents soils that are nearly level to hilly, somewhat excessively drained and well drained, sandy and loamy soils on outwash plains and moraines. The soils in this association range from well suited to generally unsuited for building site development and septic tank absorption fields, with the nearly level and undulating soils well suited and the slope of the gently rolling to hilly soils and sandy soils being a concern.

The Adrian-Edwards-Houghton association represents soils that are nearly level, very poorly drained, mucky soils in old glacial lakebeds, on flood plains, and in drainageways. The soils in this association are generally unsuited to building site development and septic tank absorption fields, with water ponding and general wetness being the major concerns. The soils in this association, if

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<sup>3</sup> Soil Survey of Van Buren County, USDA

drained are well suited for cropland and fairly well suited for woodland.

The Gilford association represents soils that are nearly level, very poorly drained, loamy soils on outwash plains. The soils in this association are generally unsuited to building site development and septic tank absorption fields, with water ponding, poor filtering capacity, and seepage being the major concerns. The soils in this association are generally unsuited to cultivated crops due to the difficulty associated with drainage, though they are generally well suited or fairly well suited for woodland.

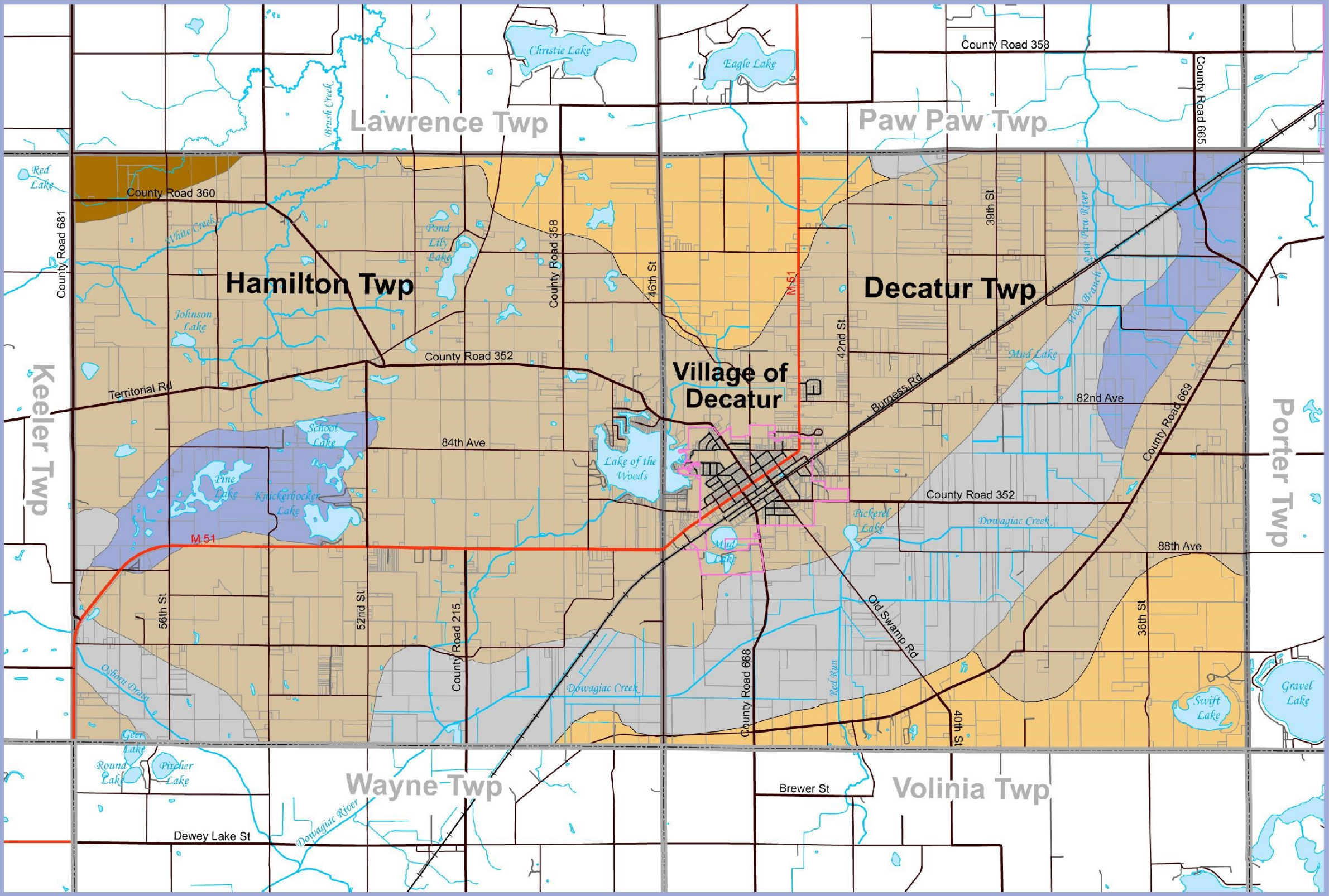
The Oshtemo-Kalamazoo association represents soils that are nearly level to gently rolling, well drained, loamy soils on outwash plains. The soils in this association are well suited or fairly well suited to building site development and septic tank absorption fields, with only the slope of the gently rolling soils being of concern. The General Soil Associations map identifies the general soils found in the Decatur-Hamilton area.

The characteristics of soils found within the Decatur-Hamilton area have greatly influenced the historical land use patterns. The characteristics are likely to continue to influence development patterns into the future, though perhaps to less of an extent than in the past. Soils with desirable characteristics for agricultural activities are found throughout Decatur and Hamilton Township. The USDA recommends that communities plan for the efficient use and protection of these valuable lands due to the limited supply of high quality farmland and the development pressures often placed upon them.

Soils may also exhibit characteristics which are limiting to intense development. In particular soils which are susceptible to inundation by flood waters or those that are difficult to utilize for waste disposal present significant obstacles to intensive development. In the Decatur-Hamilton area, such soils are found generally along the Dowagiac River, the West Branch of the Paw Paw River, the Lawton Drain, and in the vicinities of Lake of the Woods and Knickerbocker Lake.



General Soils



**Legend**

Township

Parcel

**Soils (General)**

- CAPAC-RIDDLES-SELFRIDGE
- COLOMA-SPINKS-OSHTEMO
- GRANBY-GILFORD-THETFORD
- HOUGHTON-CARLISLE-ADRIAN
- OSHTEMO-KALAMAZOO-HOUGHTON

N

0 0.5 1 1.5 Miles

**Data Sources**  
Base Map and Soil: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009  
**Southwest Michigan Planning Commission**  
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Website: [www.swmpc.org](http://www.swmpc.org)

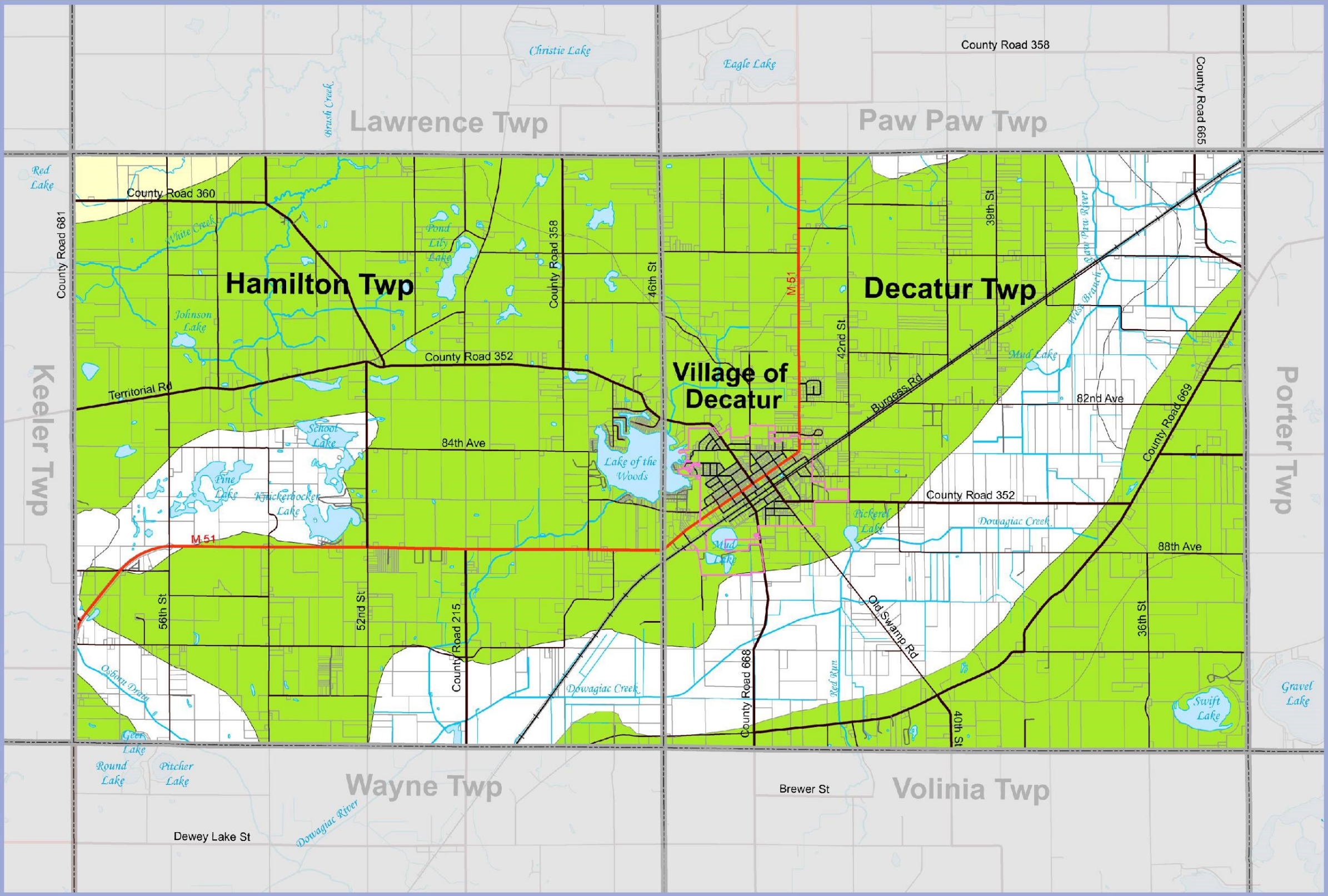
**Van Buren County**

Hamilton Township

Decatur Township



# Prime Farmland



## Legend

Township

Parcel

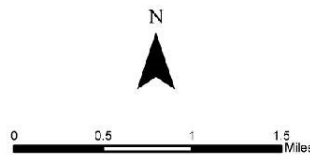
## Prime Farmland

Prime Farm

Prime if Drained

Not Prime

Not Shown



## Data Sources

Base Map and Farmland: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009

**Southwest Michigan Planning Commission**

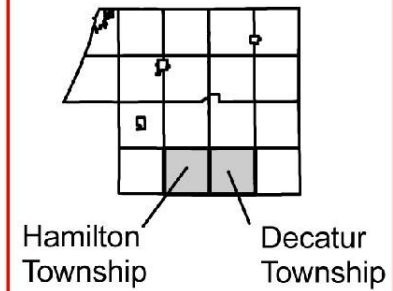
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## Van Buren County







## Water Features

There is an integral relationship between water resources, water quality, and land use. People use water for everyday uses. People also live by bodies of water for aesthetics and recreational purposes. Farmers use water bodies as part of their farming activities and industry uses water for processing and wastewater discharge. The variety of applications for water means that there is constant pressure from different user groups on how to allocate this valuable resource. Water resources are vital to planning and guiding land use decisions. Certain land uses require access to water; others isolation from it. Individual landowners, whether residential, agricultural, or industrial, are rarely aware of the complexity of water resources or of the effect that their actions may have. This lack of awareness, coupled with the economic and cultural value of water resources, creates a need for action by the community.

Water quality is a term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose such as drinking, swimming, fishing, etc.

The preservation and conservation of water quality is important for economic development, property values, tourism and recreation, drinking water supplies and plant and animal life. Proactive and effective planning can be a step in the right direction for the future of water quality within a community. A combination of poor soils unsuitable for septic systems, a high water table, and an increasing amount of rural development resulting in increased runoff may begin to threaten the quality of an area's water supplies. Specific local regulations, such as those pertaining to site plan review standards, encouraging open space developments with incentives, increasing water body setbacks, maintaining buffers around streams and wetlands, protecting floodplains, instituting proper impervious cover standards, using overlay districts to protect natural features and reducing density in areas with soil limitations for septic systems are among the techniques that can assist in protecting surface and ground water quality.

The following table illustrates practices that will protect or improve water quality.

<b>BEST MANAGEMENT PRACTICES OPTIONS FOR PROTECTING WATER QUALITY</b>			
<b>Homeowners</b>	<b>Agriculture Landowners</b>	<b>Developers/Builders</b>	<b>Municipalities</b>
Use native plants in landscaping	Leave vegetated strips along water bodies	Use low impact development techniques	Enact ordinances protecting water and natural resources
Protect special natural features (especially riparian areas)	Use conservation tillage	Use porous pavements	Describe the value of water and natural resources in the master plan
Use porous pavement	Use fertilizer management	Cluster developments and preserve open spaces	Ensure zoning and future land use maps direct development towards existing development and infrastructure
Install rain barrels	Use animal waste management	Minimize impervious areas to allow for infiltration	Direct high density development away from natural areas and unsuitable soils
Reduce or eliminate fertilizer/pesticide use		Use native plants in landscaping	

### Watersheds

The Decatur area is located within a unique area that includes three important watersheds: the Dowagiac River Watershed (located in Hamilton Township, Decatur Township and Decatur Village) and the Paw Paw River Watershed (located in Hamilton Township and Decatur Township). Both the Paw Paw and Dowagiac River Watersheds are part of the larger St. Joseph River Watershed and the

Lake Michigan Watershed. The location of these communities affords it a wealth of natural waterways such as rivers, lakes and streams. Watershed Management Plans have been developed for all these watersheds.

A watershed is an area of land that drains to common body of water. Decatur Township, Hamilton Township and the Village of Decatur are part of the Dowagiac River Watershed, Paw Paw River Watershed and the St. Joseph River Watershed. All land in the townships and village eventually drain to Lake Michigan.

#### Dowagiac River Watershed Management Plan

The Dowagiac River watershed is located in southwestern Michigan, encompassing a total area of 287 square miles. The Dowagiac River is one of the most heavily groundwater-fed rivers of its size in Michigan. The nature of the groundwater-fed river system provides consistently cold year-round water temperatures and stable water flows. The majority of the Decatur-Hamilton area is located in the upper reaches of the Dowagiac River watershed. In its entirety, the watershed includes parts of three counties (Berrien, Cass, and Van Buren Counties) and contains in whole or in part, sixteen townships, two cities, and two villages.

A watershed management plan was developed for the Dowagiac River by the Cass County Conservation District. The plan promotes cooperative land use decisions and policies that will protect and improve the water quality of the watershed. The watershed management plan was developed with input from a Watershed Stewardship Team made up of local government officials, county drain commissioners, interested citizens, Cass County Conservation District, and the Michigan Department of Environmental Quality.

Decatur Township, Hamilton Township, and the Village of Decatur were active participants in the Dowagiac River Watershed Project. The Decatur-Hamilton Area Joint Master Plan has been developed to be consistent with the purpose and intent of the Dowagiac River Watershed Project and Watershed Management Plan.

### Paw Paw River Watershed Management Plan

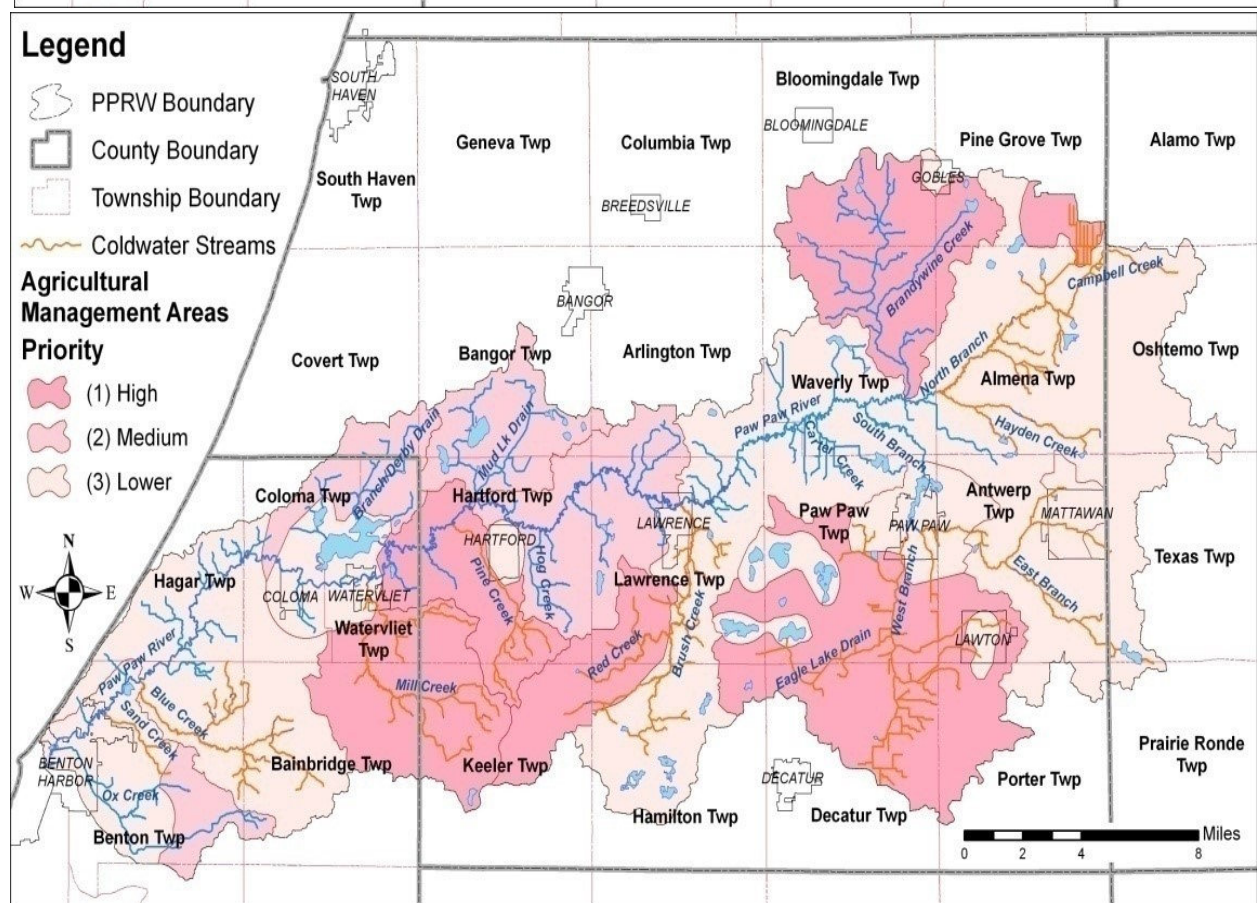
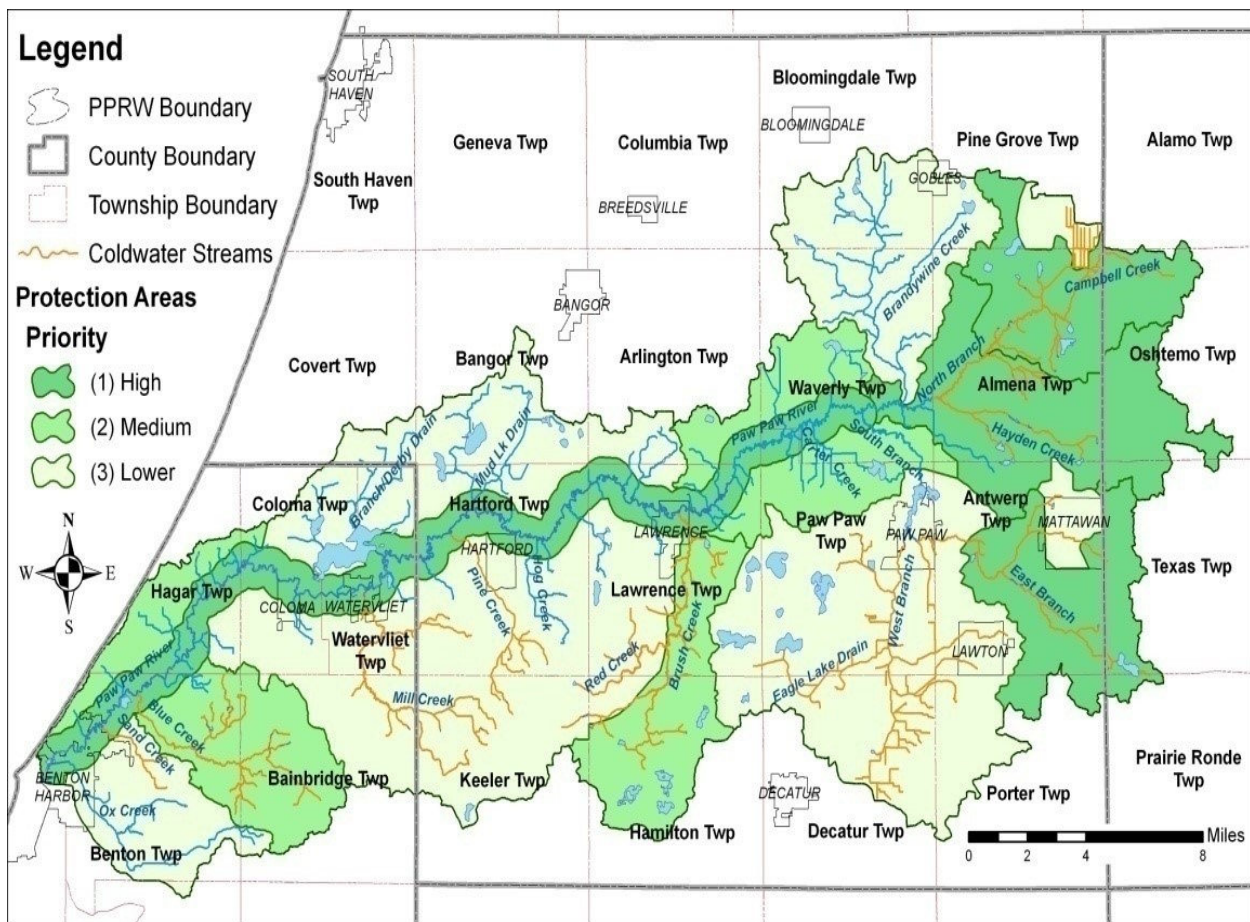
The PPRW encompasses approximately 285,557 acres (446 square miles) in Kalamazoo, Van Buren and Berrien Counties. The largest portion of the watershed lies in Van Buren County, with approximately 203,720 acres. Decatur and Hamilton Township have approximately 4,400 acres within the Paw Paw River Watershed.

The PPRW is a priority for protection and preservation among southern Michigan watersheds because a relatively high percentage of its natural land cover remains in spite of increasing development pressure throughout the region.

The PPRW Management Plan is intended to guide individuals, businesses, organizations and municipalities working cooperatively to build more environmentally and economically sustainable communities within the PPRW. The plan can be used to educate watershed residents on how they can improve and protect water quality, encourage and direct natural resource protection and preservation, and develop land use planning and zoning that will protect water quality in the future. Implementation of the plan will require stakeholders to work across township, county, and other political boundaries.

The majority of land in Hamilton Township in the PPRW is designated as a medium priority for protection in the PPRW Management Plan. The area around Brush Creek still offers great natural features that are important not only for wildlife, but also for maintaining water quality. The entire area in Decatur Township in the PPRW is designated as a high priority for agricultural management efforts to improve water quality. The streams in this area are heavily impacted by agricultural activities and the implementation of best management practices would improve water quality.

For more on the Paw Paw River Watershed Management Plan visit [www.swmpc.org/pprw.org](http://www.swmpc.org/pprw.org).





### St. Joseph River Watershed Plan

“The St. Joseph River Watershed, located in the southwest portion of the lower peninsula of Michigan and northwestern portion of Indiana, is the third largest river basin in Michigan. Beginning in Michigan’s Hillsdale County at Baw Beese Lake, it spans the Michigan-Indiana border and empties into Lake Michigan at St. Joseph, Michigan. The watershed drains 4,685 square miles from 15 counties: Berrien, Branch, Calhoun, Cass, Hillsdale, Kalamazoo, St. Joseph and Van Buren in Michigan and De Kalb, Elkhart, Kosciusko, Lagrange, Noble, St. Joseph and Steuben in Indiana. The main stem is 210 miles long.



The watershed includes 3,742 river miles and flows through and near the Kalamazoo-Portage, Elkhart-Goshen, South Bend-Mishawaka, and St. Joseph/Benton Harbor metropolitan areas. Major tributaries include the Prairie, Pigeon, Fawn, Portage, Coldwater, Elkhart, **Dowagiac**, and **Paw Paw** rivers and Nottawa Creek. For more on the St. Joseph River Watershed visit [www.fotsjr.org](http://www.fotsjr.org).

### Water Bodies

The lakes in the Decatur area are what draw many people to the community. Decatur and Hamilton Townships have over 280 acres of lakes that contribute to the unique quality of the community. The largest lake in the area is Lake of the Woods located near the Village of Decatur in both Hamilton and Decatur Township. Other sizeable lakes include; Knickerbocker Lake, Swift Lake, Pond Lily Lake, Mud Lake and School Lake. Table 1 lists the lakes within the Townships and their size.

**Table 1. Area Lakes and Acreage**

LAKE NAME	ACRES
<b>Dowagiac River Watershed</b>	
Lake of the Woods	300
Geer Lake	15
Knickerbocker Lake	82
Johnson Lake	16
<b>Paw Paw River Watershed</b>	
Swift Lake	106
Pond Lily Lake	66
Mud Lake	30
Pickeral Lake	16
School Lake	63

The most significant drains in the area are the Lake of the Woods Drain and a portion of the Eagle Lake Drain. The **Dowagiac River** headwaters are in both Hamilton and Decatur Townships. Lake of the Woods also feeds into the Dowagiac River by the Lake of the Woods Drain. The **West Branch of the Paw Paw River** and **Eagle Lake Drain** are in Decatur and Hamilton Townships. **Brush, Red and White Creeks** are in Hamilton Township. All of these streams and drains experience water quality problems associated with sediment.

The value of lakes and streams is often taken for granted by those who enjoy them, and many people assume that the value of "clean water" is obvious. Local officials and property owners, who make the bulk of the land-use decisions, which affect water quality, need to understand the value of clean water. The water bodies in the community provide multiple values to the landowners living on them, the visitors to the region and to the local government and economy. Water bodies are magnets for recreation such as boating and fishing. In addition, water bodies and their associated wetlands provide great wildlife habitat. For lakes, the most significant feature which affects people's enjoyment is water clarity. A decline in water clarity can reduce property values by as much as \$200 per frontage foot, representing large losses in property value. Surveys show that water clarity, quality of swimming, and scenic beauty are important to most people when they choose which lake to visit or where to buy property. Because of the significant value that water bodies have in the



community, protecting water quality must be at the forefront of all land use decisions.

**Natural Shorelines** are a key component of a healthy lake, stream, drain or river. The conversion of shorelines to turf grass and/or seawalls is the most destructive action for lake ecosystems. Turf grass provides little habitat (except for geese) and has shorter and weaker root systems compared to native plants. The short roots of turf grass provide less protection from eroding forces of wave and ice action.

Below are some tips for the Michigan Natural Shoreline Partnership. You can find more information at <http://www.mishorelinepartnership.org/>.

### **Protecting the Shoreline**

#### ***Prevention:***

- 1) Site your house a minimum of 100 ft away from the lake (if building new)
- 2) For reconstruction - keep the footprint of the house the same.
- 3) Minimize impervious (hard surfaces).
- 2) Keep it natural! Do not remove the trees, shrubs and other vegetation to put in a lawn.
- 3) Keep stormwater from running directly into the lake.
- 4) Keep some woody branches in the lake to provide habitat.
- 5) Keep the native plants in the lake or only remove a limited amount for boating access or swimming.
- 6) Don't put in a seawall - *there are alternatives*.

#### ***Restore:***

- 1) Replace as much turf grass as you can with native vegetation. You can have fun and create some beautiful landscapes
- 2) Erosion Control: Different sites require different solutions. The lower the energy at your site generally the easier and less complex of a solution. Some sites will only need to have the plants restored some will require more complex techniques using a system of coir fiber logs and plants and some will require the use of rock as well.
- 3) Restore the near shore areas (littoral zone): Share the space with the plants and provide safe havens for frogs, turtles and fish. Plants in the water along the shore help protect the shoreline by absorbing wave energy as waves come into the shore.

### **Riparian Buffers**

One of the most important things a community or property owner can do to protect water quality is to maintain a vegetated riparian buffer along streams, ditches, rivers, lakes and wetlands. Many

Stream corridors help absorb floodwaters, stabilize streambanks, and filter sediments and polluted runoff. Stream corridors also provide critical habitat for a variety of species. Riparian areas are important for water quality, plant species, wildlife species, and fisheries.

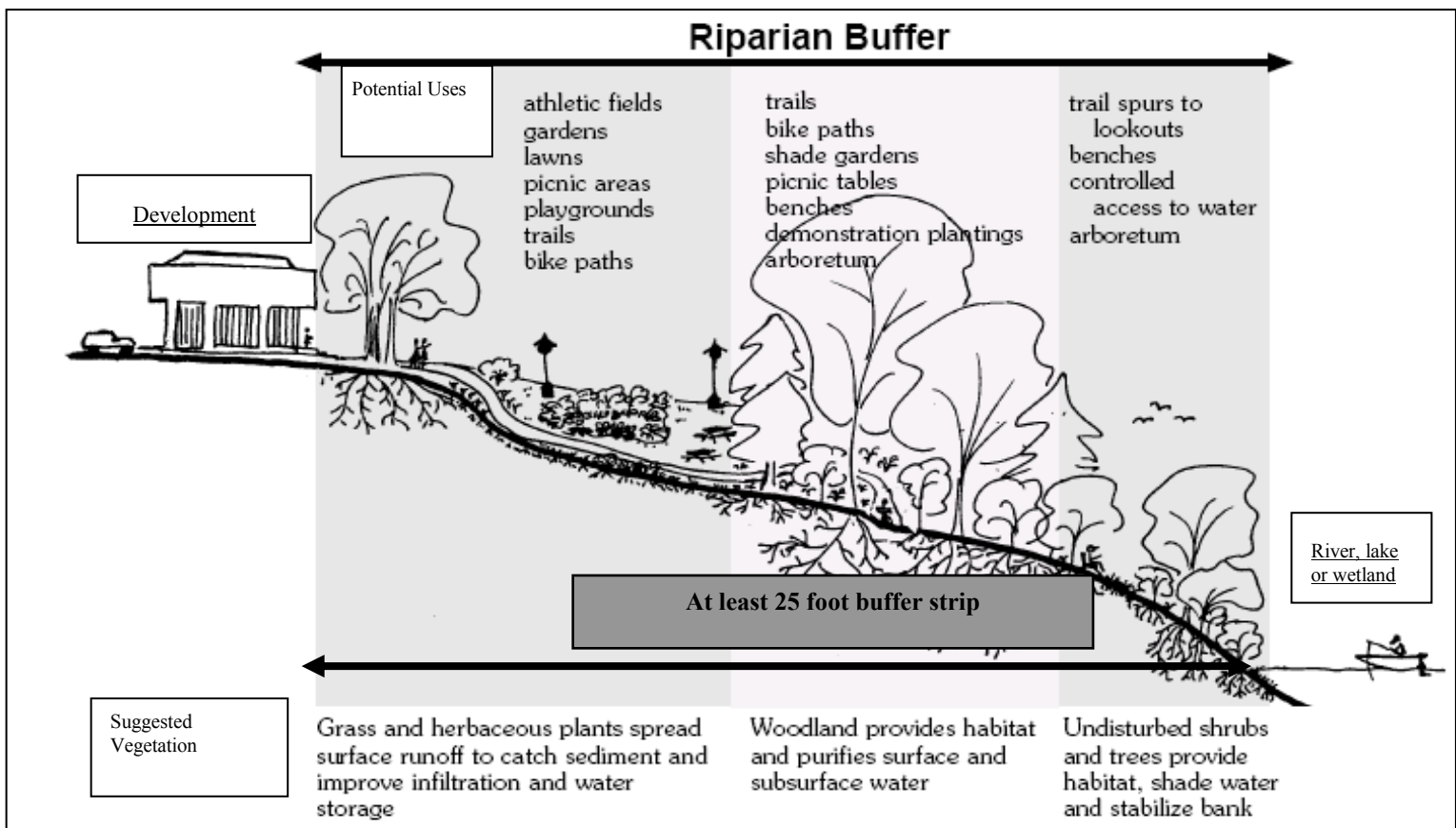
stream or lake edges are currently mowed on a periodic basis for a manicured-lawn or park like setting. Although this may be aesthetically pleasing to certain residents, this practice is detrimental to water quality and the fish community. A *riparian buffer* or buffer zone is a corridor of vegetation along rivers, streams, or wetlands, which help to protect water quality by providing a transition between upland development and adjoining surface waters. The native vegetation strip should be at least 30 to 100 feet to improve the water quality of runoff. Setbacks of buildings should be at least 100 feet, but may be more if wetlands, floodplains or steep slopes are present along streams, rivers or lakes.

**Benefits of vegetated riparian buffers include:**

- Reduce erosion and stabilize stream banks;
- Encourage infiltration of stormwater runoff and minimize public investment for stormwater management efforts;
- Filter and reduce pollution and sediment;
- Provide storage for floodwaters;
- Shade and cool the water;
- Provide wildlife habitat
- Offer scenic value and recreational opportunities for trails and greenways;
- Filter air and noise pollution; and
- Protect property from flood damage and shoreline erosion hazards.

**Buffers Protect Property**

Streamside land is a high-risk area for development even above flood elevation. Using vegetated buffers to set back human developments and land uses from shorelines is cost effective protection against the hazards caused by flooding, shoreline erosion and moving streams.



### Wetlands/Floodplains

Wetlands and floodplains are extremely valuable resources. Decatur and Hamilton Townships have wetlands that are scattered throughout the area. There is a significant area of wetlands in the townships that amount to over 200 acres. Concentrations of wetlands are located throughout the western portion of Hamilton Township, particularly south of Territorial Road. Concentrations in Decatur Township are located in the northwestern and extreme northeastern and southeastern portions of the township.

Of the estimated 11 million acres of wetlands that were in Michigan 150 years ago, only 3 million acres remain.

The Natural Resources and Environmental Protection Act (NREPA) defines a wetland as *“land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh...”* "Wetland" is the collective term for marshes, swamps, bogs, and similar areas often found between open water and upland areas. All wetlands located within five-hundred (500) feet of a lake, stream, or river are regulated by the State of Michigan Department of Environmental Quality, as well as those in excess of five (5) acres in size which are not contiguous or located within five-hundred (500) feet of a lake, stream, or river.

A river, stream, lake, or drain may on occasion overflow onto the surrounding banks and inundate adjacent land areas with floodwater. The land that is inundated by water is defined as a floodplain. In Michigan, the term floodplain has come to mean the land area that will be inundated by the overflow of water resulting from a 100-year flood (a flood which has a 1% chance of occurring any given year).

In the past, people viewed wetlands and floodplains as wastelands --sources of mosquitoes, flies, and unpleasant odors. They believed wetlands and floodplains should be avoided, or better yet, eliminated. This negative view, combined with the demand for more developable land, resulted in the destruction of large areas of wetlands and floodplains. Owners and developers drained lands, and converted them to farmland, or

Wetlands and floodplain hold excess water allowing it to be slowly released into rivers, lakes and seep into groundwater aquifers. Wetlands and floodplains also give time for sediment to settle out, thereby keeping it out of water bodies. Wetlands and floodplains support important wildlife habitat and are frequently used by humans as recreation areas.

filled them for housing developments or industrial facilities.

Attitudes today towards wetlands and floodplains have changed with the discovery that they are valuable natural resources providing many important benefits to people, wildlife and water quality.

Acre for acre, wetlands produce more wildlife and plants than any other natural area.

Wetlands and floodplains:

- provide storage areas for water,
- filter pollutants before entering lakes, rivers, and streams
- lessen the impacts of flooding after large rain events
- provide wildlife habitat

How land is developed impacts the quality and quantity of our water. Land uses from any part of the watershed, such as polluted runoff from homes and farms, eventually affect the health of the whole watershed.

As development encroaches upon wetland and floodplain areas, the safety and welfare of residents and visitors are in jeopardy. With increasing development in the floodplain, open spaces, and wetlands, our land has lost the ability to soak up rain. Buildings and pavement that have made the land increasingly impervious are now replacing areas that were once effective sponges storing precipitation. As a result, floods are becoming larger and more frequent.

Wetland and floodplain protection is extremely important for the health, safety and welfare of residents. Especially because so many wetlands have been lost since pre-settlement times, with Hamilton Township at 55%, Decatur Township at 85% and Decatur Village at 47%. This loss of wetlands has had severe negative effects on the water quality and the ability to mitigate flooding.

**Table 2. Wetlands**

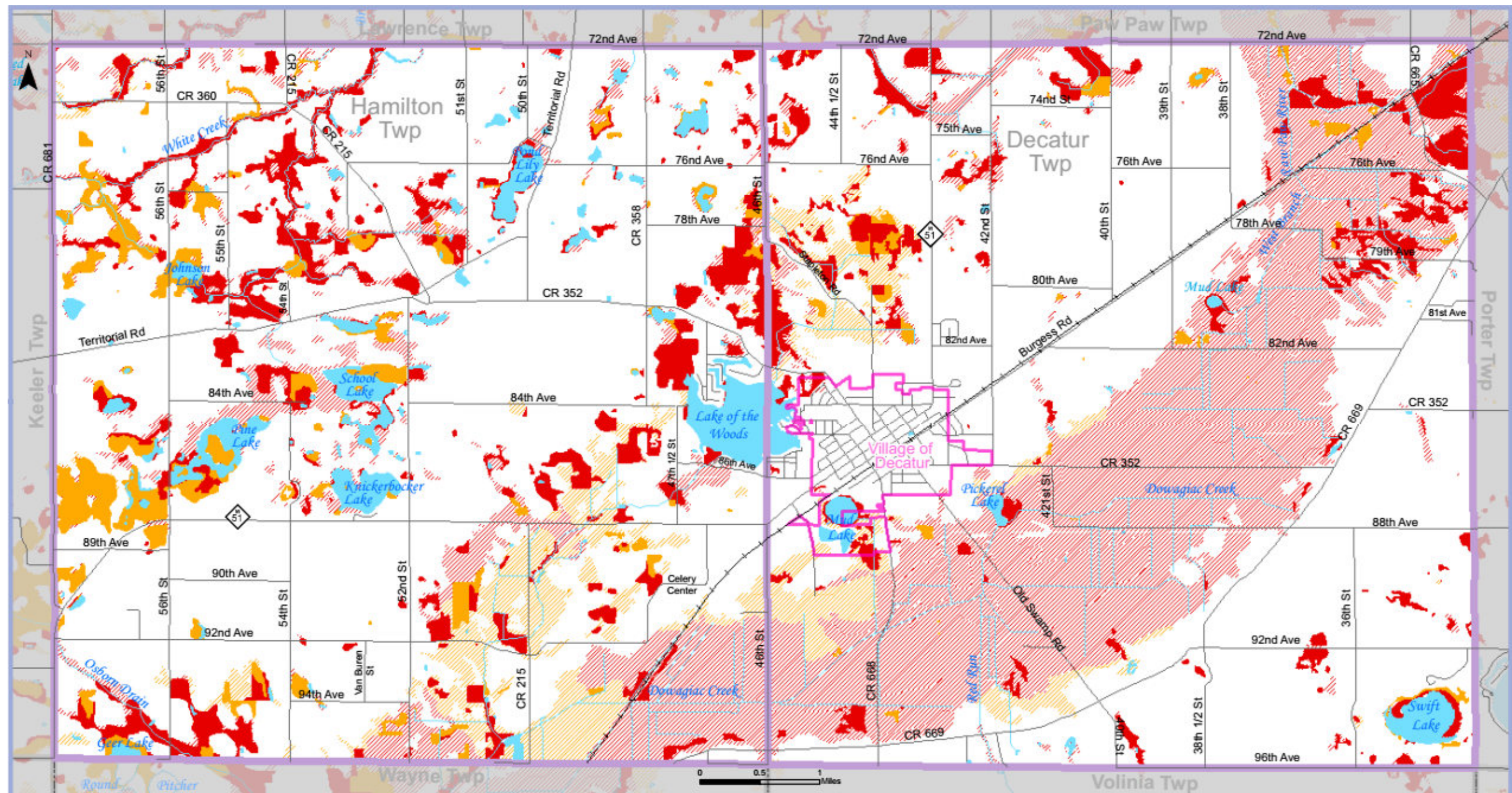
<b>WETLANDS</b>			
	<b>HAMILTON TWP</b>	<b>DECATUR TWP</b>	<b>DECATUR VILL</b>
Existing Wetland Acres (2010)	3,010.28	1,435.81	54.53
Lost Wetland Acres (since pre-settlement)	3,630.15	7,958.04	48.16
Total Wetlands	6,640.43	9,393.85	102.69
Percent Loss Since Pre-settlement	55%	85%	47%

The following maps show the lost and existing wetlands and which wetlands which are and were significant for filtering sediment and nutrients (that cause algae and nuisance weed growth in the lakes) and for mitigating flooding. With this much loss of wetland acres and wetland functions, additional wetland loss will be extremely detrimental in these communities causing increased water pollution and more flooding.









#### Sediment Retention & Nutrient Transformation

##### Existing Wetlands

- High Significance
- Medium Significance

##### Lost Wetlands

- High Significance
- Medium Significance

- Water
- Village
- Township

#### Wetland Functional Assessment\*

##### SEDIMENT RETENTION & NUTRIENT TRANSFORMATION

##### Decatur & Hamilton Township Village of Decatur

\*Wetland Functional Assessment rates wetlands according to its ability to perform specific ecological functions. Shown on this map are wetlands that function at higher levels to store nutrients and other particulate matter or wetlands that capture and transform nutrients.

December 08, 2015

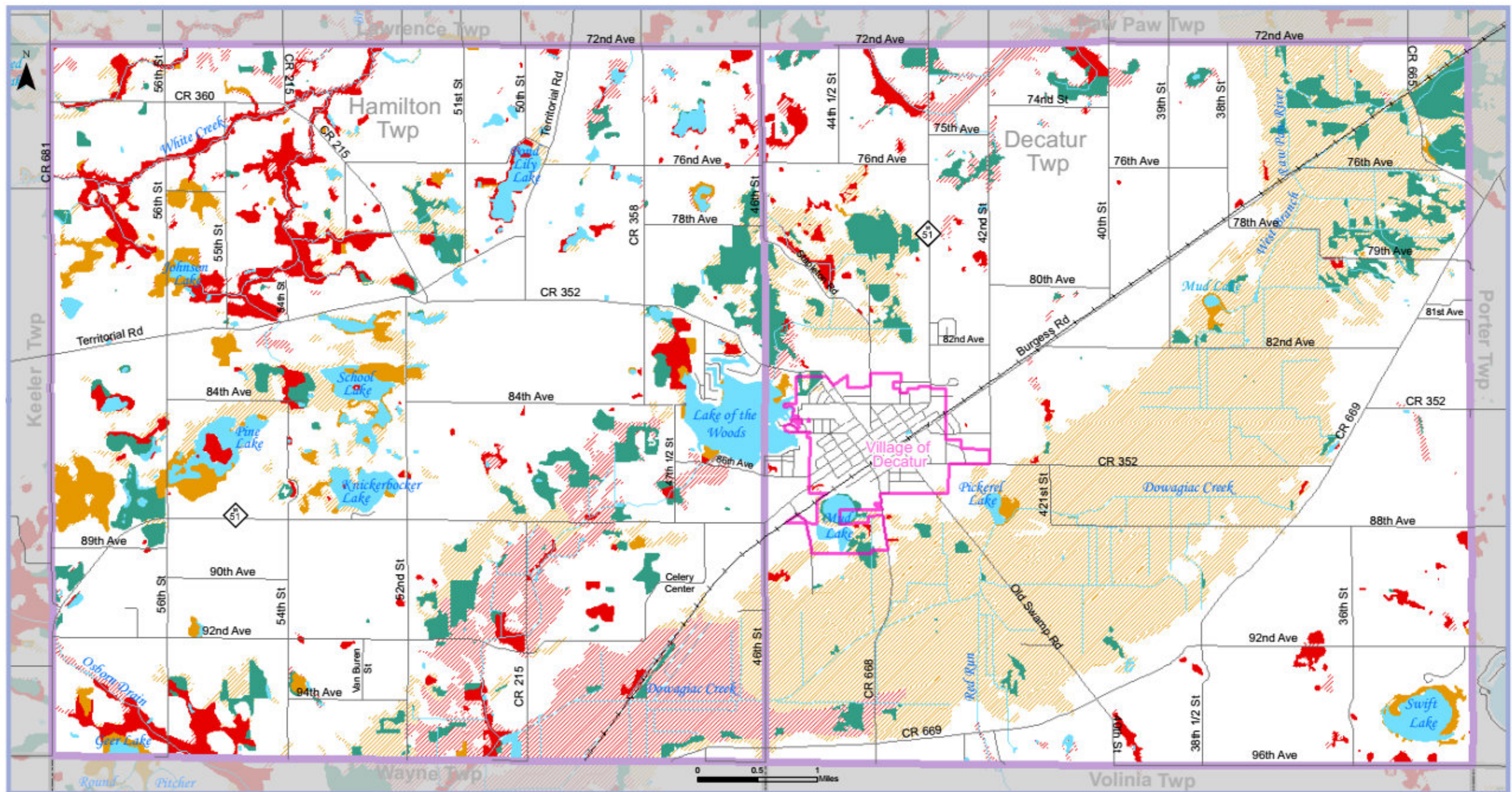
Southwest Michigan Planning Commission  
www.swmpc.org

The use of this map is for general reference purposes. It is not a legal document.

Data Sources:  
Base Map: MCGI14v  
Wetland: MDEQ, 2012

1541FigNutrientSediment





**Flood Water Retention**

**Existing Wetlands**

- High Significance
- Medium Significance

**Lost Wetlands**

- High Significance
- Medium Significance

**Water**

- Current Wetland\*\*

\*\*All other wetlands not shown in the Wetland Functional Assessment.

## Wetland Functional Assessment\*

### FLOOD WATER RETENTION

#### Decatur & Hamilton Township

#### Village of Decatur

\*Wetland Functional Assessment rates wetlands according to its ability to perform specific ecological functions. Shown on this map are wetlands that function at higher levels to retain flood water.

December 08, 2015

Southwest Michigan Planning Commission  
www.swmpc.org

The use of this map is for general reference purposes. It is not a legal document.

Data Sources:  
Base Map: MCGI14v  
Wetland: MDEQ, 2012

1541FinFlow



## Stormwater Management

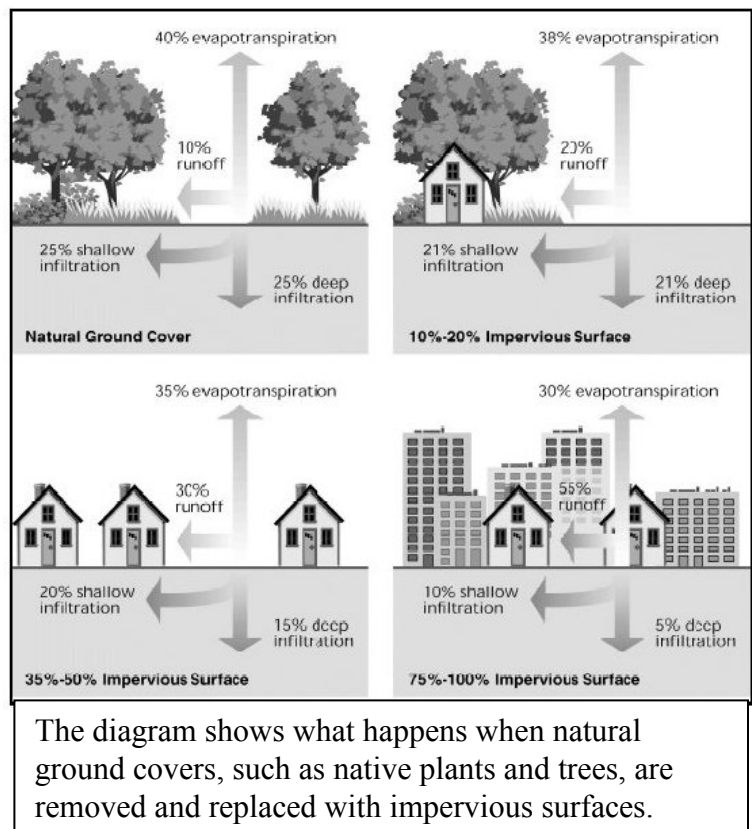
As development and imperviousness increase (due to construction of roads, roof tops and parking lots), the area available for infiltration decreases. Consequently, more rainfall becomes **stormwater runoff**, which can cause erosion of land areas and stream banks and increased flooding. Stormwater runoff can have negative impacts on our water quality. When chemicals, oil, grease, salt, etc.

**Impervious surfaces** are mainly constructed surfaces - rooftops, sidewalks, roads, and parking lots - covered by impenetrable materials such as asphalt, concrete, brick, and stone. These materials seal surfaces, repel water and prevent precipitation and melt water from infiltrating soils. Soils compacted by new construction are also highly impervious.

are carried into our rivers, lakes, and streams, all of these bodies of water become polluted. Pollution of our water may not be immediate, but as the pollutants keep washing into our water, they may become unusable for fishing, swimming, canoeing, etc. Even drinking water can be affected.

Impervious surfaces may cover anywhere from five to ten percent or more of a site. Smaller sites may have significantly higher coverage, particularly those with commercial and industrial uses with large parking areas. The increase in the amount of paved surfaces leads to a drastic rise in the amount of runoff and a decrease in the amount of deep infiltration that is being infiltrated back into the ground to provide drinking water supplies. With greater runoff, the amount of water that is able to filter down back into our groundwater supply becomes smaller and smaller. Not only quantity, but also quality of runoff from normal precipitation may change

considerably, as lawns, roads, and parking lots rinse clean. Other unnatural water sources are added, such as construction cleanup, car washing or lawn watering. This threat to water quality is an issue



The diagram shows what happens when natural ground covers, such as native plants and trees, are removed and replaced with impervious surfaces.

that directly affects the health, vitality and quality of life of our citizens and businesses.

Stormwater management should be concerned with controlling both the quality and quantity of water moving off a developed site. Low Impact Development techniques should be utilized to first protect natural features, natural drainage ways and existing topography.

The amount of impervious surfaces in new construction and redevelopment projects should be minimized

whenever possible to protect water quality. Second, LID techniques should be used to slow and reduce runoff by maximizing opportunities for filtration and infiltration of water throughout the site.

This will decrease the need for large detention or retention. See [www.swmpc.org/lid.asp](http://www.swmpc.org/lid.asp) for information on implementing LID in new and redevelopments.

*Traditional attitudes* about managing stormwater were to move the water off the site as quickly as possible with curbs, gutters, and storm sewers. *Today*, effective stormwater management practices include **decreasing the total amount of stormwater, slowing down the flow of the stormwater and allowing as much of the water to soak naturally into the ground** by using low impact development practices such as native plants, rain gardens, and riparian buffers.

### Erosion and Sedimentation Control

There is a need to control erosion and sedimentation from entering our bodies of water to protect the quality of water for residents and tourists in the community. Erosion and sedimentation are most widely linked to new development, re-development, and agricultural production. Each type of activity poses unique challenges and threats to water quality that can also threaten public health and safety.



This shows sedimentation of a river from a small tributary.

Erosion and sedimentation are closely linked. Erosion occurs when vegetation is removed from the land surface and water washes away the topsoil, and then comes the effects of sedimentation. Sedimentation occurs after the topsoil has been washed into water bodies and begins to build up sediment layers in the bottom of streams, rivers and lakes. We have all seen this happen around our region. A new home is being built or a farm is recently plowed, a heavy rain comes through the area

and the loose soil is washed away. You can see the build up of sediment in rivers, lakes and harbors. There are simple measures that residents, developers and municipalities can take to control for erosion and sedimentation.

1. Properly install silt fencing during construction.
2. Ensure all construction and clearing near water bodies has appropriate county and state permits.
3. Limit or phase the clearing of construction sites.
4. Leave existing vegetation and trees on construction sites as much as possible.
5. Leave vegetated buffers along streams, rivers and wetlands.
6. Incorporate native vegetation into the landscape.

### **Green Infrastructure**

There are features in any community that many residents would readily recognize as important to the character of the area and to their personal quality of life. Some of these features may be cultural, such as a downtown business district, historic buildings, lighthouses, or other similar man-made features. Other features used to connect a community to its residents will be natural resources such as lakes, woods, wildlife, scenic views, and other similar features. How these elements are included in the fabric of a community can have a profound influence on their value. Clearly there are some resources, which, if lost, would significantly detract from the environment and the community as a whole.

Natural features such as native vegetation, woodlands, wildlife habitat and wildlife corridors add to the natural features that lure people to the Decatur-Hamilton community. Removing these natural features will not only alter the landscape of a community but it can also lead to

water quality issues such as increased runoff, erosion and flooding.

Development should be discouraged where significant natural features exist.

Green infrastructure is a connected network of natural areas and other open spaces planned and managed to conserve natural ecosystems and the services that they

Natural resource areas perform important functions such as:

- filtering out water pollutants,
- recharging groundwater supplies
- removing air pollutants
- providing recreational opportunities
- providing wildlife habitat
- enhancing the overall quality of life of a community

provide. These lands provide multiple benefits to people and wildlife such as maintaining clean air and water, providing areas for recreation and providing wildlife habitat. Green infrastructure elements can be in urban, suburban and rural areas and may or may not be open to the public. **Green infrastructure is essential to the health, safety and welfare of the area residents.**

Natural resource conservation is a fundamental component of a community's long-term environmental and economic health. Communities that incorporate both the built and natural environment into their future land use map or vision will ensure that the areas that provide important natural functions such as filtering drinking water supplies, recreational opportunities for residents and habitats for wildlife, will be protected. In effect, the features that the community has grown to enjoy will be there for generations to come. A community with a clean environment, clean water, green spaces and trails will be the community that has a stable, sustainable future and offers a high quality of life for its residents and visitors. Communities that provide this high quality of life will be able to retain talented workers and attract new residents and businesses.

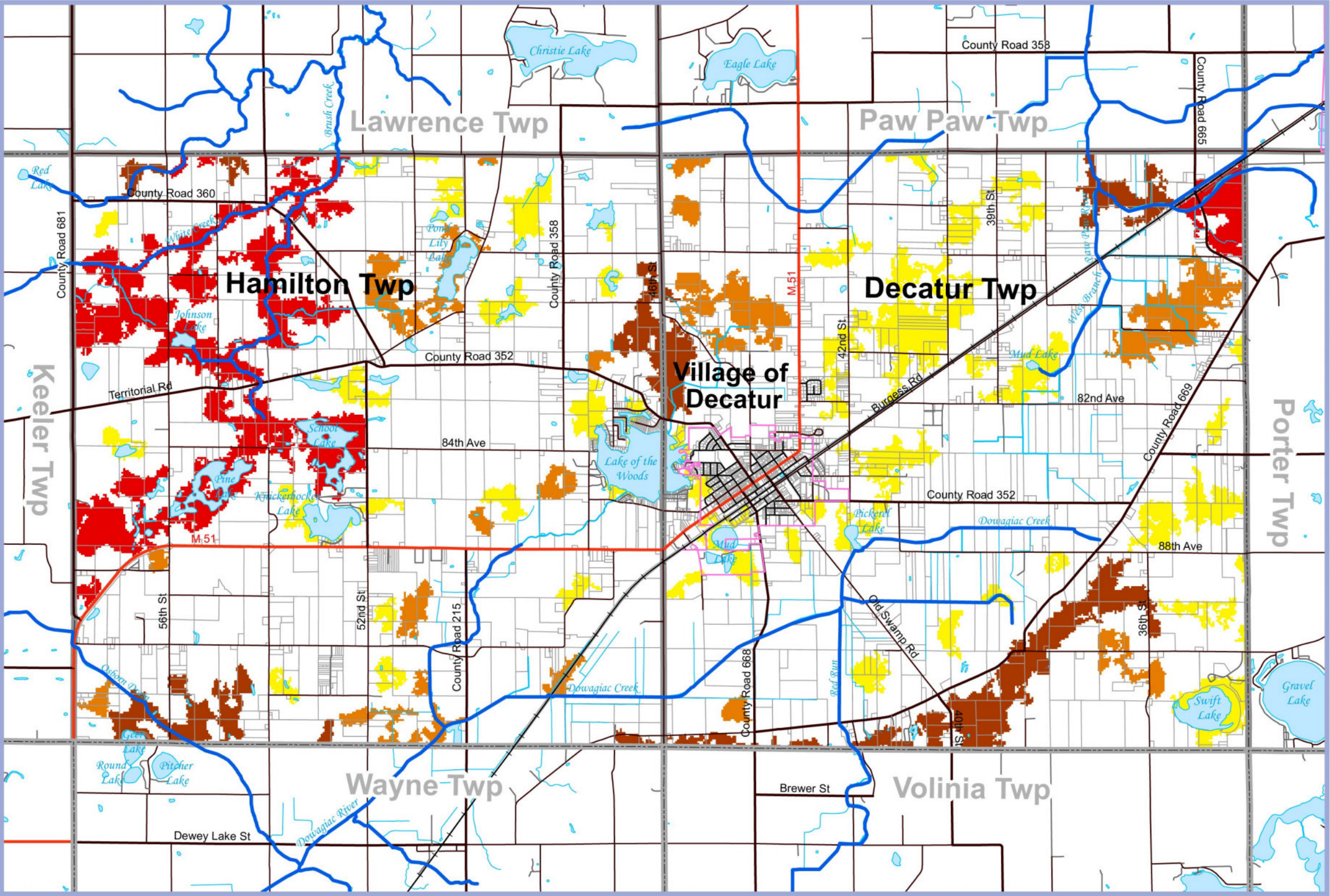
The Potential Conservation Areas map represents the last remaining remnants of the area's ecosystems and natural plant communities. The map ranks areas where the landscape is dominated by native vegetation that has various levels of potential for harboring high quality natural areas and unique natural features. In addition,

**Potential Conservation Areas (PCAs)** are defined as places on the landscape dominated by native vegetation that have various levels of potential for harboring high quality natural areas and unique natural features. Scoring criteria to prioritize areas included: total size, size of core area, length of stream corridor, landscape connectivity, restorability of surrounding land, vegetation quality and biological rarity score.

these areas provide critical ecological services such as maintaining water quality and quantity, soil development and stabilization, habitat for pollinators of cropland, wildlife travel corridors, stopover sites for migratory birds, sources of genetic diversity and floodwater retention. Consequently, it is to a community's advantage that these sites be carefully integrated into the planning for future development. Striking a balance between development and natural resource conservation and preservation is critical if the Decatur-Hamilton area is to maintain its unique natural heritage.



Potential Conservation Area (PCA)



**Legend**

- Township
- Parcel
- Trout Stream

**PCA Score**

**RANK**

- Highest
- Higher
- High
- Medium

**Data Sources**

Base Map and Trout Streams:  
Michigan Center and Geographic Information

PCA: Michigan National Features Inventory

Parcel: Van Buren County

Prepared April 2009

**Southwest Michigan Planning Commission**

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**Van Buren County**

Hamilton Township      Decatur Township



### Native Vegetation

Native vegetation refers to the plant life that exists as a natural part of the landscape. It is increasingly recommended that native plants (vegetation that grows naturally in particular climates or regions) be used because of their performance, site enhancement, and life cycle cost benefits.

Native plants typically cost more initially (depending on local availability); however, they are more cost-effective in the long run because they require less water and fertilizer, and are more resistant to local pests and diseases than non-native ornamentals. Native plants are



also known to be very effective in managing storm water because many species have deep root systems which stabilize soil and facilitate the infiltration of storm water runoff. Native plants provide habitat for birds, butterflies and other wildlife, help to buffer noise pollution, filter air pollution and provide us with stunning landscapes.

Native plants can be incorporated into individual home sites, commercial sites, and industrial sites to add water quality recharge benefits as well as aesthetic benefits to the landscape.

### Woodlands

Woodlands are important to the communities' quality of life. Woodlands and agricultural lands comprise approximately 20,000 acres. This is over 31 square miles, a very significant amount given the Townships have 36 square miles! Much of the woodlands within the Townships lie either in small parcels, usually left from agricultural clearing, or in larger areas where farms have not been established and

#### **Values of Woodlands**

1. Provide a varied and rich environment for plants and animals.
2. Provide breeding, feeding, and refuge areas for many species of insects, birds, and mammals.
3. Protect watersheds and soils.
4. Moderate the effects of winds and storms, stabilizes and enriches the soil, and slows runoff, allowing the forest floor to filter groundwater.
5. Serve as buffers to the sights, sounds, and odors of civilization.
6. Mute noise from freeways and factories and absorb air pollutants.
7. Provide visual relief along roadways.

where intensive development has not yet occurred. Various species of hardwoods exist, including Ash, Beech, Oak, Elm, Hickory, Maple, Walnut and Pine. These hardwoods are mainly second growth, and found on poorly drained mineral soils that were not well suited for agriculture.

Aesthetically pleasing roadways with natural vegetation tend to be more popular than those with little vegetation or highway clutter. Trees within the public domain should be managed for their aesthetic and critical role that they play in air quality mitigation, cooling of streets and the filtering of air and noise pollution. Mature roadside trees are sometimes considered hazardous, but always seen as attractive and valuable and should be managed and maintained as part of the community identity. To the extent possible, road improvements should respect and maintain these important landmarks, and their contribution to community identity.

### Wildlife Habitat

A rich variety of wildlife is present in Decatur and Hamilton Townships, providing a truly valuable living classroom of diversity that includes fish, mussels, frogs, rabbits, white-tailed deer, squirrels, bats, pheasants, fox and a variety of waterfowl species. Michigan's wildlife is one of its most precious resources. Surveys consistently show that residents value wildlife as part of their quality of life. In addition, wildlife is valued throughout Michigan for the contribution it makes to tourism, recreation, hunting, and fishing. As a result, there is an increasing appreciation of the role that wildlife contributes to the economy and quality of life of Michigan residents.

A wildlife habitat is an area that offers feeding, roosting, breeding, nesting, and refuge areas for a variety of bird and mammal species native to the southwestern Michigan region.

As with other natural features, it is important to remember that wildlife does not respect jurisdictional boundaries. As a result, it is important to coordinate activities with other local governments on the basis of biological or geographical boundaries rather than on purely political ones. In rural areas, there are significant opportunities for wildlife management, simply because of already existing, abundant wildlife habitat. This makes planning for wildlife habitat protection possible, by identifying areas of high wildlife value and encouraging development elsewhere. Even with the development of scattered rural areas, large open spaces still may be found throughout the

Townships. This means that there is ample opportunity for movement of wildlife among habitat locations. It will require strong coordination of local governments and private landowners to ensure that wildlife considerations are included in the review of development plans.

### Wildlife Corridors

The threat of fragmented habitats, due in part to strong development pressures in natural areas, can act as a motivator for the Townships to establish a framework for the protection of these critical areas. These areas contribute to the Townships' rural setting and community identity. The goal of establishing wildlife corridors is to maintain as nearly a contiguous greenway of native vegetation as possible, averaging 200 feet wide between various habitats. Some interruptions in the corridors are inevitable because of existing roadways interposed between the

#### **Wildlife Corridor**

A wildlife corridor is a continuous natural protected pathway along which native wildlife species can move in relative security between high quality natural wildlife habitats. The land through which wildlife must pass when transiting between these habitats may, at times, consist of platted lots in private ownership and public roads and rights-of-way. Corridors work best when sparsely developed.

habitats. Within this limitation, the objective is to locate corridor connectors to minimize the number of road crossings and maximize the green space available for protected wildlife transit. Wherever possible, the corridor should follow natural drainage corridors since this land offers more habitat value, is important for natural stormwater drainage, and is generally more difficult to develop.

Wildlife corridors can also be developed in coordination with construction projects. For example, a utility corridor could be planned to provide a more natural system, rather than a swath of land devoid of natural features. Where it exists, native vegetation should be left undisturbed. In areas with exotic vegetation, undesirable plants should be removed and native trees, shrubs, grasses, etc. (as appropriate), planted and maintained.

### **Agricultural Lands**

Agricultural, Open Space, and Vacant lands make up approximately 68% of the land in the townships and Village. The climate, terrain and variety of soils make several areas in Van Buren County well suited for agriculture. Open space lands including woodlands, wetlands and other environmentally significant areas are features normally associated with farmlands and agricultural



areas. These lands provide unique and economic benefits to the citizens of the Decatur area and are an important part of the community's natural and agricultural heritage. Agriculture also contributes to the local economy in direct sales of agricultural products. Many of the agricultural activities in the area provide the opportunity to harvest locally grown foods to sell at roadside stands, farmers markets and local retail food stores to increase tourism and the economic impact of agriculture.

Agriculture is an important economic activity for Van Buren County (statistics of economic impact at the township level are not available). In 2012, Van Buren County ranked 1<sup>st</sup> in blueberry production state and nationally. In 2012, Van Buren County ranked 5<sup>th</sup> in the state for vegetables, melons, potatoes, and sweet potatoes. In 2012, there were 1,113 farms in Van Buren County of these 158 are orchards and 98 are vegetable farms. There were a total of 175,121 acres of land in farms with 9,480 acres in orchards, 7,242 acres in vegetables, 31,870 acres in grain corn and 29,321 in soybeans. The average size of a farm in Van Buren County in 2012 was 157 acres. In 2012, in Van Buren County the average market value of agricultural products sold per farm is \$174,900 with the total market value of agricultural products in the County valued at \$194,664,000.

The Decatur area is very diverse in crop production. The Decatur area is known for its muck soils. Many of the muck soils have been drained and are being used for agricultural production. The Decatur area has a very diverse crop production including vegetable crops, such as onions, radishes, carrots, celery, cabbage, cauliflower, green beans and sweet corn. Pickles and peppers are also important vegetable crops in the area. Grain crops include corn, soybeans, wheat, oats, barley and rye. Alfalfa represents the primary hay crop in the area. Corn is the primary grain grown in the Decatur area. Additionally, there is a large sod farm on County Road 352. The remainder of the agricultural activities in the area consists of various livestock operations, which tend to be mainly hogs, beef cattle and dairy cows. Some sheep and poultry are also raised in the area.

**Table 3. Van Buren County Farmland and Agricultural Statistics, 1987-2012**

	1987	1992	1997	2002	2007	2012
Total Acres of Farmland	190,251	206,781	189,432	176,260	185,343	175,121
Acres in Orchards	18,663	19,232	15,480	10,281	10,312	9,480
Acres in Vegetables	14,853	13,734	12,069	10,553	8,509	7,242
Acres in Corn (for grain)	35,282	38,255	34,695	31,870	44,259	55,362
Acres in Soybeans	9,684	23,679	24,702	29,321	26,843	18,730
Total Number of farms	1,278	1,164	1,217	1,160	1,232	1,113
Number of Orchards	373	312	256	188	177	158
Number of Vegetable Farms	201	158	104	91	85	98
Average Size of Farm	149	178	156	152	150	157
Median Size of Farm	N	N	73	70	N	N
Total Market Value of Agricultural Products (\$)	69,624,000	84,931,000	104,868,000	96,724,000	173,472,000	194,664,000
Average Market Value of Agricultural Products per Farm (\$)	54,479	72,965	86,169	83,382	140,805	174,900
Hogs and Pigs Inventory (farms)	147	119	68	36	45	21
Hogs and Pigs Inventory (number)	56,167	52,055	29,477	24,985	20,075	4,655
Hogs and Pigs Sold (farms)	152	116	64	41	51	33
Hogs and Pigs Sold (number)	84,358	103,464	56,245	67,997	50,275	(D)*

*N-no data Source: US Department of Agriculture, 1987, 1997, 2002, 2007, 2012 Census of Agriculture*

*\*(D)- Withheld to avoid disclosing data for individual farms.*

The 2014 Crop Data Layer map from USDA shows the different crops being grown in the area.

**Table 4. Cropland Data Layer 2014 – Total for Townships and Village**

Category	ACRES	PERCENT
Developed	2821.51	6%
Corn/Soybean/Grains	20377.96	45%
Vegetable	501.94	1%
Pasture/Hay/Grassland	5775.13	13%
Orchards/Vineyard/Berries	2785.71	6.2%
Wetland	4931.81	11%
Forests	7429.96	17%
Water	528.41	0.1%
<b>TOTAL ACRES</b>	45,152.43	

**Table 5. Cropland Data Layer 2014 – Total for Hamilton Township**

<b>Category</b>	<b>ACRES</b>	<b>PERCENT</b>
Developed	1188.92	5%
Corn/Soybean/Grains	10154.95	45%
Vegetable	225.73	1.0%
Pasture/Hay/Grassland	3180.01	14%
Orchards/Vineyard/Berries	1346.60	6%
Wetland	3052.80	13%
Forests	3233.83	14%
Water	347.82	1.5%
<b><i>TOTAL ACRES</i></b>	<b><i>22,730.67</i></b>	

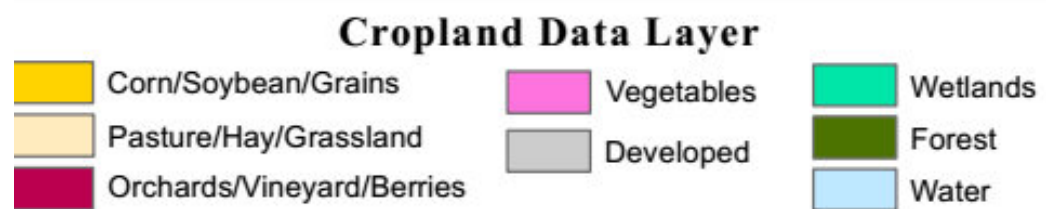
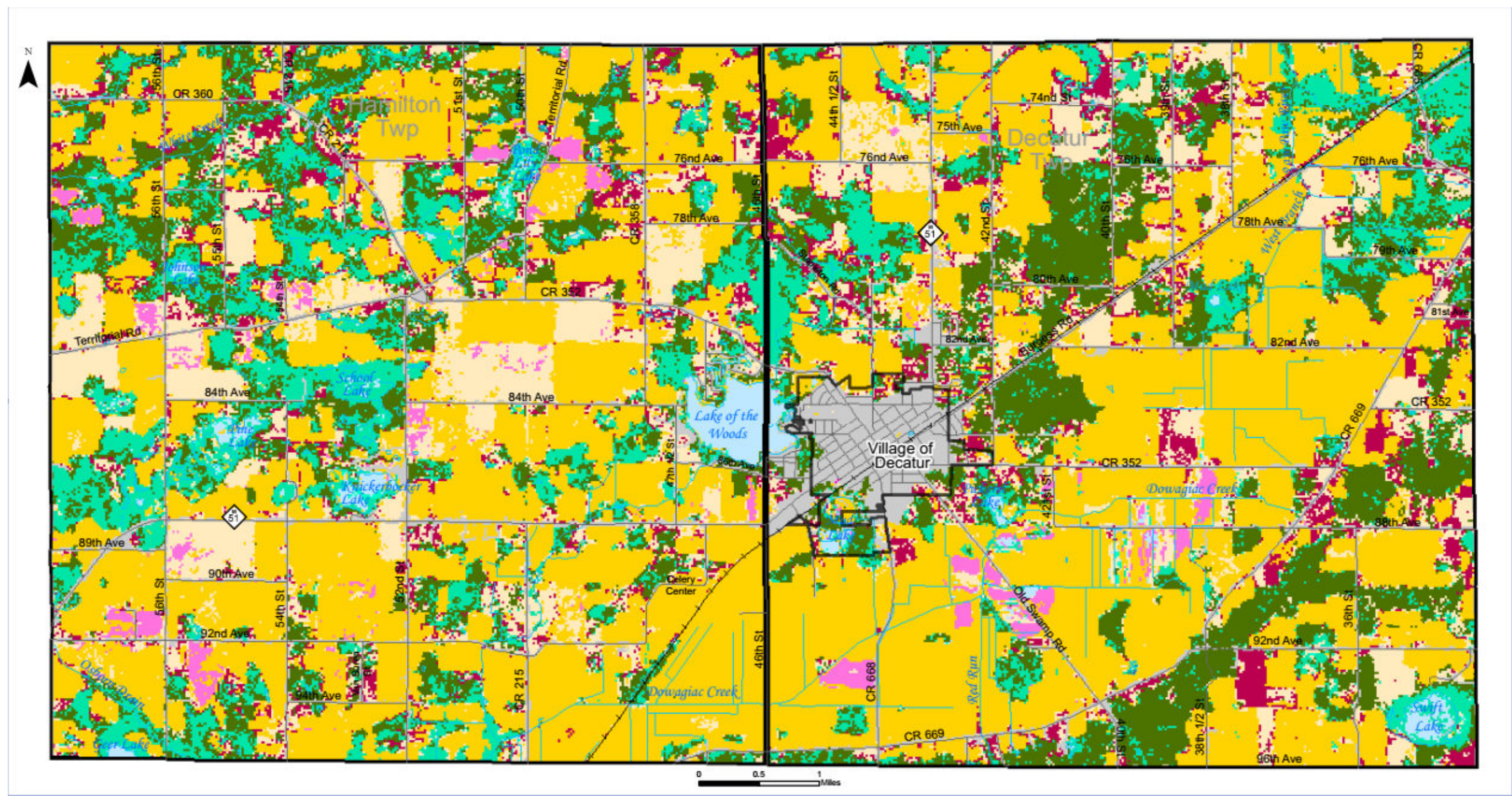
**Table 6. Cropland Data Layer 2014 – Total for Hamilton Township**

<b>Category</b>	<b>ACRES</b>	<b>PERCENT</b>
Developed	1,307.01	6%
Corn/Soybean/Grains	10,168.74	47%
Vegetable	272.66	1.3%
Pasture/Hay/Grassland	2,559.98	12%
Orchards/Vineyard/Berries	1,411.09	6.5%
Wetland	1,850.54	8.5%
Forests	4,090.94	19%
Water	159.68	0.7%
<b><i>TOTAL ACRES</i></b>	<b><i>21,820.63</i></b>	

**Table 7. Cropland Data Layer 2014 – Total for Decatur Village**

<b>Category</b>	<b>ACRES</b>	<b>PERCENT</b>
Developed	325.58	35%
Corn/Soybean/Grains	54.26	6%
Vegetable	3.56	0.4%
Pasture/Hay/Grassland	35.14	4%
Orchards/Vineyard/Berries	28.02	3%
Wetland	28.47	3%
Forests	105.19	11%
Water	20.91	2%
Developed Open Space	325.81	35%
<b><i>TOTAL ACRES</i></b>	<b><i>926.94</i></b>	





## CROPLANDS

### Decatur & Hamilton Township Village of Decatur



Data Sources:  
Base Map: Michigan Geographic Framework 14v  
Cropland: National Agricultural Statistics  
Service, 2014

Southwest Michigan Planning Commission  
[www.swmpc.org](http://www.swmpc.org)

The use of this map is for general reference  
purposes. It is not a legal document.

December 08, 2015

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### Farmland Protection Benefits

Farming creates jobs, provides a product for sale, and provides vast areas of open space and scenic corridors. Farmland also provides substantial environmental benefits, including floodplain protection, groundwater recharge, and wildlife habitat. In addition, the tradition of family owned farms has been passed down from generation to generation; supporting a strong social structure focused on community and family.

Based upon agricultural statistics for Van Buren County, agriculture will continue to be a prominent economic force in the region. In evaluating the value of farmland, there must be a basic assumption that farmland is worth saving. The Decatur-Hamilton community recognizes the significance of agriculture in their Joint Comprehensive Plan. There was a 6% loss of farmland in Van Buren County from 2007 and 2012 (Census of Agriculture). The Hamilton and Decatur community realizes the following benefits from farming:

#### ***Economic Benefits***

- Strengthens the agricultural economy
- Strengthens the total economy through diversification
- Increases the long-term sustainability of farming
- Lowers infrastructure costs to taxpayers
- Increases property values
- Reduces the trade deficit
- Allows growth and development to continue in specified areas
- Maintains or increases tourism related to open space, wildlife and farming
- Local economic development
- Provides a long-term business environment for agriculture
- Less service costs to taxpayers
- Provides opportunities for alternative energy

#### ***Environmental Benefits***

- Controls flooding and erosion
- Protects water quality
- Provides wildlife habitat
- Protects drinking water and aquifer recharge areas

- Preserves land, a limited resource
- Provides renewable resource/clean fuel, alternative energy
- Retains natural character

### ***Social Benefits***

- Strengthens and preserves farming communities
- Provides a future for young farmers
- Preserves scenic open space
- Encourages revitalization of cities
- Reduces traffic congestion
- Provides a local fresh food supply
- Provides a safe, high-quality food supply
- Preserves existing urban and rural communities
- Preserves our rural heritage in the state and the nation
- Provides recreational opportunities
- Improves the aesthetic quality of our rural and urban lives; saves beautiful land in rural areas, encourages saving beautiful buildings in cities
- Provides for a higher quality of life in a community
- Encourages a sense of community

### **Implications for Development**

Van Buren County and the Decatur area are experiencing residential development. Historically, many areas in Van Buren County were predominantly farming communities; however, increasing growth pressure is resulting in farmland being developed and fragmented. The fragmentation of farmland will make it increasingly difficult for remaining farming operations to remain viable. The land that is suitable for farming is an irreplaceable natural resource that cannot be regained once it has been lost to development. Farmland is an important part of Van Buren County and the Decatur area history, culture and economic structure.

Several programs and zoning strategies are available to manage growth and preserve farmland. Four options for preserving agricultural lands are: 1) purchase of development rights programs (such as Van Buren County's Purchase of Development Rights Program), 2) right to farm laws, 3) agricultural buffer zoning requirements to protect existing farming operations from residential sprawl, and 4) zoning techniques to reduce fragmentation.

### Land Protection Options

The protection and preservation of prime agricultural lands along with natural features and open spaces within the community will ensure that these important assets and resources remain available to the people of Decatur - Hamilton community. Therefore, tools will be utilized to acquire and protect these resources that can include the following: Transfer of Development Rights, Purchase of Development Rights, Conservation Easements, etc. The townships and village can also utilize open space developments to ensure habitats are left intact. Land Trusts also exist that communities, businesses and individuals can work with such as the Southwest Michigan Land Conservancy and The Nature Conservancy. Individuals who are interested in protecting their land have several options available to them. A summary of these options can be found in the Appendix 2.

### **Summary:**

- The primary environmental constraints to development found in the Decatur-Hamilton area are wetlands and poorly drained soils.
- There is little change in topography throughout most of the Decatur-Hamilton area, with the exception of the extreme southeastern portion of Decatur Township, adjoining the Cass County line, where there exists a significant rise in elevation. The top of the ridge is an important area for groundwater recharge.
- Because the Decatur-Hamilton area is at the headwaters of the Dowagiac River and Paw Paw River watersheds, current and future use of land could have significant impact on the water quality of these rivers downstream. Stormwater management must address water quantity and quality.
- The area is blessed with many lakes, streams, wetlands, natural shoreline, natural areas and open space which attract residents and visitors to the area. It will be important to encourage natural shorelines to protect these waterbodies.
- A large portion of the Decatur-Hamilton area contains soils that have been classified by the United States Department of Agriculture as “prime agricultural soils.” Agricultural activities continue to be important to the local economy.

## Population & Housing

Gaining insight to current demographic information pertaining to the Village of Decatur, Decatur Township, and Hamilton Township can help increase understanding of past trends, projected trends, and the impact of both on the growth and development of the communities. In this section a number of variables are estimated and projected and compared to the same for surrounding communities.



### Population Estimates and Projections

In 2010, populations are as follows: Village of Decatur - 1,819, Decatur Township – 3,726, and Hamilton Township - 1,489. The current population in 2010 for Van Buren County is 76,258. The current population indicates a small decline in growth rate for Decatur Township of one percent over the past ten years. During the same period, Hamilton Township has decreased by more than seventeen percent and the Village of Decatur has decreased by more than four percent. These trends differ with Van Buren County which has experienced flat or no growth rate over the same time period ten year period.

**Table 8. Population; Village of Decatur and Nearby Municipalities; 2000-2010.**

Year	Village of Decatur	Village of Lawton	Village of Lawrence	Village of Paw Paw	City of Dowagiac
<b>2000</b>	1,838	1,859	1,059	3,363	6,147
<b>2010</b>	1,819	1,900	996	3,534	5,879
<b>% Change 2000-2010</b>	-1.03%	2.2 %	-5.95 %	5.08 %	-4.36%

Source: U.S. Census



**Table 9. Population; Decatur, Hamilton and Surrounding Townships; 2000-2010**

<b>Year</b>	<b>Decatur Township</b>	<b>Hamilton Township</b>	<b>Keeler Township</b>	<b>Lawrence Township</b>	<b>Paw Paw Township</b>	<b>Porter Township</b>	<b>Volinia Township</b>	<b>Wayne Township</b>
<b>2000</b>	3,916	1,797	2,601	3,341	7,091	2,406	1,174	2,861
<b>2010</b>	3,726	1,489	2,169	3,259	7,041	2,466	1,112	2,654
<b>% Change 2000-2010</b>	-4.85 %	-17.14%	-16.6%	-2.45%	-0.7%	2.49%	-5.28%	-7.23%

Source: U.S. Census

**Table 10. Population; Van Buren, Cass and Berrien County; 2000-2010**

	<b>Van Buren County</b>	<b>Cass County</b>	<b>Berrien County</b>
<b>2000</b>	76,263	51,104	162,453
<b>2010</b>	76,258	52,293	156,813
<b>% Change 2000-2010</b>	-.006%	2.32%	-3.47%

Source: U.S. Census

**Comparison of Age Groups 2010**

Consistent with national trends, the percent of the population over age twenty continued to increase in the Village of Decatur, Decatur Township, Hamilton Township, and Van Buren County. The Village of Decatur has over half of the population twenty years old or older. Village of Lawton had the highest percentage of its population at age 65 or over, with more than 19.1% of its population falling into that category.

**Table 11. Age Characteristics; Village of Decatur and Nearby Municipalities; 2010**

<b>Community</b>	<b>&lt;5 Yrs. Of Age</b>	<b>5 to 19 Yrs. Of Age</b>	<b>20 to 64 Yrs. Of Age</b>	<b>65&gt; Yrs. Of Age</b>
<b>Village of Decatur</b>	7.8%	23.4%	55.3%	13.5%
<b>Village of Lawton</b>	5.2%	22.8%	52.9%	19.1%
<b>Village of Lawrence</b>	8%	27.4%	55.3%	9.1%
<b>Village of Paw Paw</b>	6.7%	20.1%	59.4%	13.8%
<b>City of Dowagiac</b>	9.4%	22.5%	55.6%	12.5%

Source: U.S. Census.

**Table 12. Age Characteristics; Decatur, Hamilton and Surrounding Townships: 2010**

<b>Community</b>	<b>&lt; 5 Yrs. Of Age</b>	<b>5 to 19 Yrs. Of Age</b>	<b>20 to 64 Yrs. of Age</b>	<b>65&gt; Yrs. of Age</b>
<b>Decatur Township</b>	7.1%	21.5%	57.4%	14%
<b>Hamilton Township</b>	5%	21.7%	58.8%	14.5%
<b>Keeler Township</b>	6.2%	19.7%	57.6%	16.5%
<b>Lawrence Township</b>	6.4%	22.7%	58.1%	12.8%
<b>Paw Paw Township</b>	5.8%	19.8%	59.7%	14.7%
<b>Porter Township</b>	4.7%	20%	59.6%	15.7%
<b>Volinia Township</b>	5.1%	22%	58.1%	15.7%
<b>Wayne Township</b>	4.6%	18.7%	60.4%	16.3%

Source: U.S. Census

**Table 13. Age Characteristics; Van Buren, Cass and Berrien County; 2010**

<b>Community</b>	<b>&lt;5 Yrs. Of Age</b>	<b>5 to 19 Yrs. Of Age</b>	<b>20 to 64 Yrs. Of Age</b>	<b>65&gt; Yrs. Of Age</b>
<b>Van Buren County</b>	6.4%	21.7%	58.1%	13.8%
<b>Cass County</b>	5.8%	20.4%	57.8%	16%
<b>Berrien County</b>	6.1%	20.1%	57.5%	16.3%

Source: U.S. Census

**Race**

A diverse population exists within the Decatur-Hamilton area. The largest race in 2010 for the Decatur- Hamilton community was white. The next largest group was Hispanic or Latino with 645. National estimates suggest that the Hispanic or Latino population will become the largest minority group in years to come.

**Table 14. Population by Race; Planning Area, Van Buren County, Michigan; 2010**

<b>COMMUNITY</b>	<b>WHITE</b>	<b>BLACK/AFRICAN AMERICAN</b>	<b>AMERICAN INDIAN AND ALASKAN NATIVE</b>	<b>ASIAN</b>	<b>NATIVE HAWAIIAN/PACIFIC ISLANDER</b>	<b>SOME OTHER RACE</b>	<b>TWO OR MORE RACES</b>	<b>HISPANIC OR LATINO (OF ANY RACE)</b>
<b>Village of Decatur</b>	1,594	49	22	6	1	75	72	171
<b>Decatur Township</b>	3,317	85	47	11	1	131	134	310
<b>Hamilton Township</b>	1,295	32	21	12	0	101	28	164
<b>Total</b>	<b>6206</b>	<b>166</b>	<b>90</b>	<b>29</b>	<b>2</b>	<b>307</b>	<b>234</b>	<b>645</b>
<b>Van Buren County</b>	66,126	3,100	669	313	17	3999	2031	7,758
<b>Michigan</b>	7,803,120	1,400,362	62,007	238,199	2,604	147,029	230,133	436,358

Source: US Census

### Educational Attainment

Consistent with trends throughout Michigan and the nation, educational attainment has a high percentage in the Village of Lawton, Village of Lawrence, City of Dowagiac, Porter Township, Volinia Township, and Van Buren County. Hamilton Township, Village of Decatur and Keeler Township displayed a low in the percentage of its population holding high school diplomas or higher education, though the percentage was quite small. Van Buren County as a whole and Decatur Township continued to outpace the Village of Decatur and Hamilton Township in educational attainment as was the case in 2013.

**Table 15. Educational Attainment Estimates; Village of Decatur and Surrounding Municipalities; 2013**

<b>Community</b>	<b>Percent High School Graduate or Higher</b>	<b>Percent Bachelor's Degree of Higher</b>
<b>Village of Decatur</b>	80.6% (+/-4.6)	12.3% (+/-3.0)
<b>Village of Lawton</b>	89.6% (+/-5.2)	15.3% (+/-4.0)
<b>Village of Lawrence</b>	86.4% (+/-7.1)	11.8% (+/-4.6)
<b>Village of Paw Paw</b>	81.9% (+/-5.4)	14.1% (+/-5.0)
<b>City of Dowagiac</b>	87.9% (+/-4.5)	7.7% (+/-3.1)

Source: U.S. Census 2009-2013 American Community Survey 5-Year Estimates.

**Table 16. Educational Attainment Estimates; Decatur, Hamilton and Surrounding Townships; 2013**

<b>Community</b>	<b>Percent High School Graduate or Higher</b>	<b>Percent Bachelor's Degree of Higher</b>
<b>Decatur Township</b>	82.8% (+/-4.3)	10.8% (+/-2.8)
<b>Hamilton Township</b>	80.5% (+/-6.1)	14.2% (+/-3.5)
<b>Keeler Township</b>	74.2% (+/-13.9)	9.6% (+/-3.9)
<b>Lawrence Township</b>	84.4% (+/-5.2)	13.7% (+/-3.7)
<b>Paw Paw Township</b>	85.9% (+/-3.3)	19.9% (+/-4.2)
<b>Porter Township</b>	91.5% (+/-4.5)	20.1% (+/-4.8)
<b>Volinia Township</b>	92.2% (+/-3.2)	15.8% (+/-4.4)
<b>Wayne Township</b>	87.7% (+/-3.5)	11.8% (+/-4.2)

Source: U.S. Census 2009-2013 American Community Survey 5-Year Estimates.

**Table 17. Educational Attainment Estimates; Van Buren, Cass, and Berrien County; 2013**

<b>Community</b>	<b>Percent High School Graduate or Higher</b>	<b>Percent Bachelor's Degree of Higher</b>
<b>Van Buren County</b>	85.3% (+/-0.9)	17.9% (+/-1.1)
<b>Cass County</b>	87.2% (+/-1.1)	16.2% (+/-1.3)
<b>Berrien County</b>	87.4% (+/-0.6)	24.2% (+/-0.8)

Source: U.S. Census 2009-2013 American Community Survey 5-Year Estimates.

### Total Number of Housing Units

The total number of housing units in the Village of Decatur in 2000 was 707 units and in 2010 were 781 units. In Decatur Township were 1,611 in 2000 and were 1,623 in 2010. In Hamilton Township were 723 units in 2000 and 728 units in 2010. The total number of housing units in Van Buren County in 2000 was 33,975 and 36,785 in 2010.

**Table 18. Housing Units; Village of Decatur and Surrounding Municipalities; 2000-2010**

Community	Number of Housing Units		
	2000	2010	% Change 2000-2010
Village of Decatur	707	781	10.46%
Village of Lawton	668	788	17.96%
Village of Lawrence	434	436	0.46%
Village of Paw Paw	1,511	1,674	10.78%
City of Dowagiac	2,631	2,674	1.63%

Source: U.S. Census

**Table 19. Housing Units; Decatur, Hamilton and Surrounding Townships; 2000 - 2010**

Community	Number of Housing Units		
	2000	2010	% Change 2000 - 2010
Decatur Township	1,611	1623	0.74%
Hamilton Township	723	728	0.69%
Keeler Township	1,562	1,629	4.29%
Lawrence Township	1,516	1,588	4.75%
Paw Paw Township	3,248	3,505	7.91%
Porter Township	1,380	1,424	3.18%
Volinia Township	588	614	4.42%
Wayne Township	1231	1,311	6.49%

Source: U.S. Census

**Table 20. Housing Units; Van Buren, Cass and Berrien County; 2000-2010**

Community	Number of Housing Units		
	2000	2010	% Change 2000-2010
<b>Van Buren County</b>	33,975	36,785	8.27%
<b>Cass County</b>	23,884	25,887	8.38 %
<b>Berrien County</b>	73,445	76,922	4.71%

Source: U.S. Census and Claritas, Inc.

### Tenancy Status of Housing Units

The majority of housing units located in the Village of Decatur, Decatur Township, Hamilton Township, and Van Buren County are owner-occupied. In 2010, the percentage of homes that were owner occupied in the Village of Decatur lagged behind both townships and the county, which is quite common in urban communities with an aging housing stock. Hamilton Township, in 2010 had the highest percentage of owner-occupied homes, outpacing the County figure by just fewer than four percent.

**Table 21. Tenancy Status; Planning Area and Van Buren County; 2010**

% of Owner-Occupied Homes	
Community	2010
<b>Village of Decatur</b>	63.9%
<b>Decatur Township</b>	73.5%
<b>Hamilton Township</b>	87.1%
<b>Van Buren County</b>	77.9%

Source: U.S. Census

### Housing Values

Similar to the characteristics for the percentage of owner occupied housing, the Village of Decatur has the lowest median home value having experienced an increase of slightly less than 50% between 2000 and 2014. Again, this is quite common in urban areas with an aging housing stock. Comparatively, Decatur Township, Hamilton Township, and Van Buren County have experienced varied increases in median home values, with Decatur Township's median value increasing by more since 2000. However, the median home value in the Village of Decatur and Decatur Township fall below that for the overall County. Hamilton Township has the largest increase in value almost doubling in the past 14 years.

**Table 22. Owner Occupied Median Home Values Estimates; Planning Area and Van Buren County; 1990-2014**

<b>Community</b>	<b>1990</b>	<b>2000</b>	<b>2014</b>
<b>Village of Decatur</b>	\$32,600	\$48,121	\$74,100 (+/- \$5,336)
<b>Decatur Township</b>	\$35,200	\$56,674	\$81,500 (+/- \$13,448)
<b>Hamilton Township</b>	\$45,600	\$69,141	\$111,600 (+/- \$9,286)
<b>Van Buren County</b>	\$48,000	\$72,554	\$119,200 (+/- \$3,047)

Source: U.S. Census and U.S. Census 2010-2014 American Community Survey 5-Year Estimates.



**Table 23, Decatur Village, Decatur Township, Hamilton Township Housing Value Estimates; 2014**

Housing Value in 2014	Decatur Village			Decatur Township			Hamilton Township		
	Estimate	Percent	Margin of Error	Estimate	Percent	Margin of Error	Estimate	Percent	Margin of Error
Less than \$50,000	112	23.7%	+/-5.6	173	18.6%	+/-5.2	70	15.6%	+/-6.0
\$50,000 to \$99,999	248	52.4%	+/-7.3	390	42.0%	+/-8.7	109	24.3%	+/-8.8
\$100,000 to \$149,999	68	14.4%	+/-5.0	144	15.5%	+/-4.9	136	30.4%	+/-7.9
\$150,000 to \$199,999	29	6.1%	+/-4.3	92	9.9%	+/-5.4	57	12.7%	+/-5.5
\$200,000 to \$299,999	10	2.1%	+/-1.7	66	7.1%	+/-4.0	44	9.8%	+/-4.6
\$300,000 to \$499,999	3	0.6%	+/-0.9	10	1.1%	+/-1.4	21	4.7%	+/-2.7
\$500,000 to \$999,999	3	0.6%	+/-1.0	53	5.7%	+/-6.3	11	2.5%	+/-2.1
\$1,000,000 or more	0	0.0%	+/-4.6	0	0.0%	+/-2.4	0	0.0%	+/-4.9

Source: U.S. Census 2010-2014 American Community Survey 5-Year Estimates.

**Table 24, Van Buren County Housing Value Estimates; 2014**

Van Buren County, Michigan			
Housing Value in 2014	Estimate	Percent	Percent Margin of Error
Less than \$50,000	2,915	13.2%	+/-1.1
\$50,000 to \$99,999	5,953	27.0%	+/-1.5
\$100,000 to \$149,999	4,677	21.2%	+/-1.3
\$150,000 to \$199,999	3,839	17.4%	+/-1.3
\$200,000 to \$299,999	2,685	12.2%	+/-1.2
\$300,000 to \$499,999	1,364	6.2%	+/-1.0
\$500,000 to \$999,999	489	2.2%	+/-0.6
\$1,000,000 or more	96	0.4%	+/-0.3

Source: U.S. Census 2010-2014 American Community Survey 5-Year Estimates.

### Age of Housing

The Village of Decatur has a higher percentage of homes built in 1939 or earlier. More than 32% of the homes in the Village of Decatur were built in 1939 or earlier. Hamilton Township had the lowest percentage of homes built 1939 or earlier with less than one-fourth falling into this category. This is reflected in the percentage of owner-occupied homes and the median home value, both of which are higher in Hamilton Township.

**Table 25. Percentage of Housing Built 1939 or Earlier Estimates; Planning Area and Van Buren County; 2013**

<b>Community</b>	<b>2013</b>
<b>Village of Decatur</b>	32.3% (+/-5.6)
<b>Decatur Township</b>	22.7% (+/-4.7)
<b>Hamilton Township</b>	13.9% (+/-4.3)
<b>Van Buren County</b>	16.9% (+/-1.1)

Source: U.S. Census 2009-2013 American Community Survey 5-Year Estimates.

### **Village Neighborhood Analysis**

In this section, the existing neighborhoods in the Village are evaluated in terms of their consistency with the principles of good neighborhood development. These principles are based upon the ideas expressed in the neighborhood unit concept, which represents the physical arrangement of many neighborhoods built prior to World War II, and the more recent Traditional Neighborhood Design or New Urbanism movement. Essentially, the principles espoused in these concepts are as follow:

- Recognition of the neighborhood unit as the basic building block of the community
- Neighborhoods should be compact and walkable
- Neighborhoods should have clearly defined edges and be connected to well-defined centers
- Community centers should be typically no more than one-quarter of a mile or five minute walk from the neighborhoods
- Pedestrian access throughout the neighborhood and connecting to the center should be a priority
- Streets should be laid out as an interconnected network to form coherent blocks
- A diverse mix of residences, shops, schools, workplaces, and parks should occur in close

- proximity to one another
- Open spaces such as parks should be provided in convenient locations throughout each neighborhood
- A wide spectrum of housing options accommodating people of a range of incomes, ages, and family types should be available in each neighborhood

For the purposes of this Master Plan, the individual neighborhoods were defined for the Village of Decatur (see Neighborhood Analysis map), and were then evaluated based upon these principles.

Delineation of the neighborhoods was achieved through use of the following methodology:

- Use of previously documented neighborhood delineations, such as that in any previous Master Plans or as devised by the Village for other purposes.
- Identification and recognition of distinct areas that are bounded by recognizable physical edges, such as roads, natural features, substantial changes in land use, etc.
- Consideration of the ultimate maximum size of any area relative to its ability to function as a unified neighborhood.

Each neighborhood was then evaluated against the afore-mentioned principles of traditional neighborhood development and the results are presented in a table below. A brief description of the features follows:

Compactness. Well-defined neighborhoods that have recognizable edges and which are relatively high in density, that is the number of homes per acre help to define a unique sense of place and contribute to interaction among neighbors and contribute to the relative quality of life in the neighborhood.

Walkability. The presence of sidewalks, houses oriented to the street, tree lined streets, and traffic “calmed” by on-street parking are a few of the variables that are considered in this measure. As with compactness, the walkability of a neighborhood can contribute to the neighborhood’s sense of place and contribute to the interaction among neighbors and contribute to the relative quality of life in the neighborhood.

Civic and Institutional Uses. The presence of churches, parks, and government facilities can

contribute positively to a neighborhood's identity and character. Such facilities generally contribute positively to the neighborhood offering opportunities for both formal and informal gathering of neighbors, addressing many of the social needs of the community within walking distance of homes, and serving as a stabilizing factor in the neighborhood.

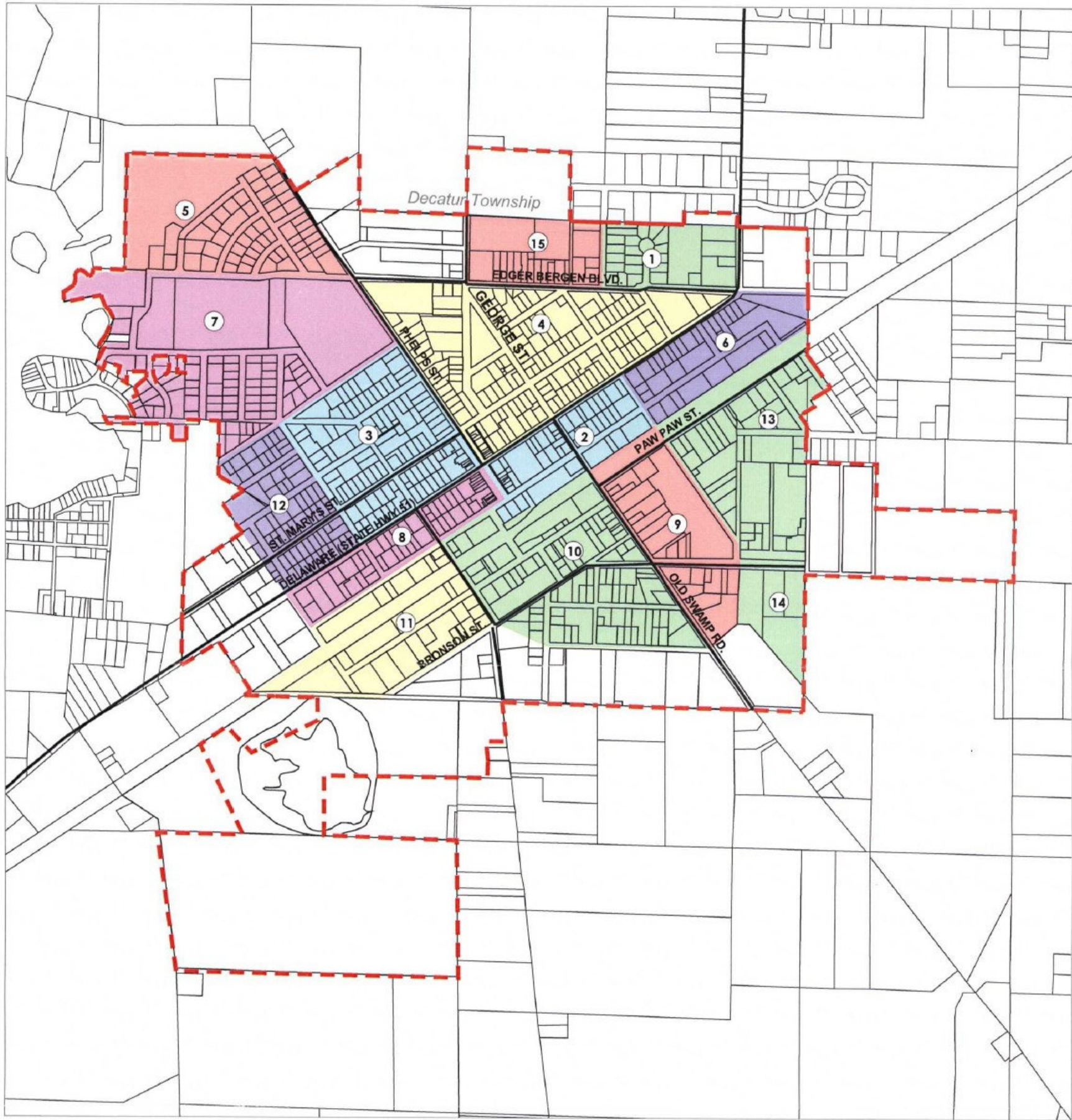
Commercial Uses. The presence of appropriately scaled business activities in a neighborhood can provide residents with access to convenience shopping goods and services, often within walking distance of their homes. Additionally, neighborhood businesses offer employment opportunities for neighborhood youths and elderly persons who may be unable or unwilling to travel great distances for employment.

Schools. Schools within walking distance are one of the most beneficial features of traditional neighborhood design. In many communities schools serve as the central location of neighborhood or community activities. Generally, such facilities are used by the surrounding neighborhood throughout the day and evening. Schools located within walking distance contribute significantly to a neighborhood's sense of place and to the positive quality of life for the surrounding residents. Since Decatur Village is small almost the entire population can walk to a school; however, it is key to know if that walk can be done safely. Are improvements needed such as street crossing upgrades?

Mixed Uses. The mixing of uses, residential with compatible non-residential and single family with multiple-family can play several vital roles. These roles include providing housing in a single neighborhood for the entire economic and life cycle of local residents, thus enabling first-time home buyers, traditional families, single residents, and the elderly all a place to live within the same neighborhood. As previously discussed, the presence of appropriately scaled non-residential uses in the neighborhood can provide shopping and employment opportunities near where residents live. It is vitally important that uses be limited to those that are compatible and that sound site development standards are in place to ensure that the mix of uses contributes positively to the character of the neighborhood.

Interconnected Streets. Historically, communities were built with a series of interconnected grid streets. These streets facilitated relatively easy movement through cities and villages and helped to limit congestion as many routes to and from homes, businesses, etc. existed. Over time, a preference emerged for living along streets that did not carry through traffic and thus were at least in theory safer for children and pedestrians. Often the introduction of cul-de-sacs, and dead-end streets were a response to the lack of parks, schools, sidewalks, etc in the neighborhood that forced streets to become the only available location for pedestrian and play activities. Interconnected streets, whether on a grid pattern or some other patterns, are vital features of a strong neighborhood. As in the past, such a street pattern allows ease of movement for automobiles and pedestrians and helps to alleviate congestion in the community.





--- Municipal Boundary

### Evaluation of Traditional Neighborhoods

Basemap Source: Van Buren County, Michigan  
Data Source: McKenna Associates, Inc.



**Table 26. Evaluation of Neighborhoods Based Upon Traditional Neighborhood Features**

Traditional Neighborhood Feature	Evaluation Scoring (1= Weak, 5 = Strong)													
	Neighborhood													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>Compactness</b>	4	4	4	5	3	5	3	3	4	4	3	1	1	1
<b>Walkability</b>	4	4	4	2	3	5	3	3	3	3	3	2	1	2
<b>Presence of Civic &amp; Institutional Uses</b>	3	3	4	4	3	4	2	2	2	4	3	2	1	3
<b>Concentration of Commercial Uses Nearby</b>	1	1	3	5	4	5	2	2	3	5	3	2	2	2
<b>Safe Walk to School</b>	5	5	3	3	2	5	3	3	2	3	1	1	1	1
<b>Mixed Uses</b>	2	2	3	4	4	4	2	4	3	4	2	2	2	3
<b>Interconnected Streets</b>	4	4	5	5	2	5	3	2	3	4	3	2	1	2

Source: McKA, Inc.

As this analysis reveals, the neighborhoods exhibiting the strongest presence of traditional neighborhoods are generally located in the older platted portions of the Village. However, neighborhood 1 is a good example of newer construction exhibiting several of these features just northwest of the high school. Generally, the most common missing or weak features include walkability, presence of civic, institutional uses, and commercial uses, and the proximity of schools. It is generally advisable that the community takes steps to protect and enhance desirable existing features, expand or improve areas where weaknesses exist, and take steps to ensure that new development incorporates as many of the features as appropriate.

## **Economy**

In this section, a number of different aspects of the Hamilton-Decatur area's economy is analyzed. Employment within the village and townships is reviewed and compared to the same for surrounding communities and the counties. Household income and expenditure patterns are also reviewed and compared to the surrounding communities. Additionally, a general evaluation of the Central Business District is conducted.

The majority of those employed in the Village of Decatur are employed in the Management, business, science, and arts occupations, with an estimated 25% in such occupations. This is followed by those employed in production, transportation, and material moving occupations, representing slightly less than 21% of those employed. This characteristic is true in both Decatur Township as well, with 23% of those employed in Management, business, science, and arts occupations. Hamilton Township and Van Buren County, however have more of their population employed in Production, transportation, and material moving occupations with the percentages being 24% and 28%, respectively. As seen in table 21 below.



**Table 27. Occupations for Planning Area and Van Buren County estimated number of employees; 2010**

	<b>Village of Decatur</b>	<b>Decatur Township</b>	<b>Hamilton Township</b>	<b>Van Buren County</b>
<b>Civilian employed population 16 years and over estimates</b>	766	1457	843	33,682
<b>Management, business, science, and arts occupations:</b>	193	338	196	9,090
<b>Education, legal, community service, arts, and media occupations:</b>	78	111	43	2,991
<b>Healthcare practitioner and technical occupations:</b>	23	43	45	1,418
<b>Service occupations:</b>	144	298	85	5,995
<b>Sales and office occupations:</b>	148	254	190	7,823
<b>Natural resources, construction, and maintenance occupations:</b>	114	253	173	4,335
<b>Production, transportation, and material moving occupations:</b>	167	314	199	9,439

Source: U.S. Census (American Community Survey 5 year estimates)

### Median Household Income

Median household income has continued to increase in all of the areas under consideration. The greatest increase occurs in Hamilton Township that experienced a 47% increase between 2000 and 2010. This compares to a 21% increase in the Village of Decatur, with only a 8% increase in Decatur Township, and nearly a 25 % increase for Van Buren County, in its entirety.

**Table 28. Median Household Income; Planning Area and Van Buren County; 1990 - 2010**

	<b>1990</b>	<b>2000</b>	<b>2010</b>
<b>Village of Decatur</b>	\$19,129	\$26,729	\$32,304
<b>Decatur Township</b>	\$21,604	\$31,304	\$33,859
<b>Hamilton Township</b>	\$21,047	\$30,504	\$44,844
<b>Van Buren County</b>	\$25,491	\$35,579	\$44,435

Source: U.S. Census.

### Central Business District Evaluation

Historically, the central business district or “downtown Decatur” met the shopping needs of most of the area residents. Following World War II, this role began to wane, with businesses located in strips along major roadways gaining prominence. This can be seen in the communities surrounding Decatur with the growth of business districts along state highways and in the vicinity of interstate interchanges. Often, this shift of economic activity left central business districts vacant and underutilized. More recently, central business districts have experienced a resurgence, with the introduction of specialty shopping opportunities and service businesses locating in downtown.

In general, this pattern has been influenced only by the marketplace with little intervention by the local government. The formation of downtown development authorities, establishments of tax increment financing authorities, and the introduction of Main Street programs are recent initiatives by local governmental bodies to balance market influences. The Village of Decatur has had a Downtown Development Authority (DDA) for several years, charged with enhancing and improving the physical and economic environment of downtown.

Typically, communities seek to accomplish protection and enhancement of the downtown in a variety of ways including maintaining a focus on four areas: Physical Design, Economic Restructuring, Organization and Promotion.

This section evaluates the progress made in these four areas. This section is not intended to be a comprehensive downtown development plan or business development plan, rather it is intended to provide enough data and analysis to assist in developing appropriate responses in the master plan.

### ***Physical Design***

The Village is conducting a Downtown Improvement Plan to improve the physical design of downtown. Efforts to date that have been undertaken have generally included public investment in capital projects such as Phelps Street reconstruction and streetscape improvements including placement of street furniture and period lighting. Additionally, a small pocket park was constructed on Phelps Street across from Village Hall.

The Downtown Improvement Plan will address remaining challenges including the continuation of streetscape improvements, facade renovation and upgrade efforts, improvement in signage in the downtown, creation of site development standards that ensure that new construction or major renovation in the downtown is completed in a manner that enhances the character of the area, improvement of the entrances into downtown, and generation of additional sources of revenue to implement improvement efforts.

### ***Economic Restructuring***

There have been essentially no organized efforts at economic restructuring in the downtown. Typically such efforts include the organized collection and dissemination of relevant market data and providing assistance to local merchants to enable them to reposition themselves to be more competitive and successful.

Remaining challenges and opportunities include the establishment of a focused and coordinated

business development plan, business recruitment and retention efforts, market data collection and distribution, and generation of additional sources of revenue to implement restructuring efforts.

### ***Organization***

There have been very limited efforts at organizing around downtown issues. The presence of the Downtown Development Authority and the Chamber of Commerce represent the organizational efforts to date. It is necessary to build upon these existing organizations to increase the focus on downtown.

Remaining challenges and opportunities include the expansion of the DDA to include committees or task forces that are organized around elements essential to the success of downtown, such as physical design, economic restructuring, and promotion. An enhanced level of coordination and cooperation among the various stakeholders in the community is another opportunity that remains to be addressed for downtown Decatur.

### ***Promotion***

There is very little attention paid to the promotion of downtown Decatur as a whole as well as in the joint advertising of businesses located in the downtown. In general marketing is left up to the individual merchant alone. Similarly there are few events and activities that assist in promoting downtown as a destination for visitors and customers.

Remaining challenges and opportunities include expanding the promotional and marketing efforts in Decatur. This should include actively promoting individual business, clusters of similar business, and the community as a whole.

### **Summary:**

- Village of Decatur has experienced a small decrease in population from 2000 to 2010.
- Decatur and Hamilton Townships have also experienced decreases in population from 2000 to 2010, as have most surrounding townships.
- Hamilton Township has a slightly higher percentage of its population with ages 65 or over than both Decatur Village and Decatur Township, though no greater than in

surrounding villages and cities.

- More than three-fourths of the population in the Decatur-Hamilton area has graduated from high school.
- The vast majority of the homes in the Decatur-Hamilton area are owner occupied, with the Village having the lowest percentage.
- The median value of houses in the Village of Decatur and Decatur Township were less than in Van Buren County overall. While Hamilton Township had a higher value than in Van Buren County overall. Hamilton Township had the largest increase in value almost doubling in the past 10 years.
- More than one-third of the homes in the Village of Decatur and one-fourth of the Decatur Township were built in 1939 or earlier. Approximately fourteen percent of the homes in Hamilton Township were built in 1939 or earlier.
- Several of the neighborhoods located in the Village exhibit many traditional neighborhood features that should be protected and enhanced. Other neighborhoods exhibit such features to a lesser degree and should be considered for either re-development or enhancement.
- The majority of residents in the Decatur-Hamilton area are occupied in Management, business, science, and arts occupations.
- The majority of business establishments in the Decatur-Hamilton area are in retail trade or service establishments.
- An increased focus on addressing issues and opportunities specific to downtown in the areas of physical design, economic restructuring, organization, and promotion needs to be undertaken to maintain its character and vitality.
- Median household income in the Village of Decatur and Decatur Township area lags behind that of Van Buren County overall, with the residents of the Village being one-third less that of the County. While Hamilton Township has a similar median house household income to the county.

## **Transportation/Mobility**

An integral and highly visible part of any community's infrastructure is the transportation system. The condition of the roads, the amount of congestion, and the ease with which one can move around the community are all issues of significant concern to residents, visitors, and businesses.

### **Highway System**

The transportation system serving the study area is designated as rural and functions at a much lesser capacity than an urbanized area. This is because the rural road system has a limited ability to support large traffic volumes since it is intended to serve the comparatively low traffic volumes generated by a smaller and more dispersed population than urbanized areas.

The road and highway system serving the study area includes an interstate highway, numbered state highways, county and local roads. An examination of the traffic volumes, access points, and conditions of the street network is an integral part of understanding the issues and opportunities that may exist within a community and to formulate goals and strategies relative to transportation improvements. One method of evaluating the existing transportation system is to determine how well each street serves its purpose, intended or otherwise. Streets are generally classified by the function they serve. This is known as "Functional Classification". This classification is generally broken into the following classifications:

- State Trunkline/Major Arterial
- County Primary/Minor Arterial
- Major Streets/Collectors
- Local Streets

#### State Trunkline/Major Arterial

The primary function of the a major arterial is to accommodate longer distance travel between communities to expressway interchanges and within the village and townships; access to land uses is secondary. Major arterials are usually state trunk lines and the "mile" roads and typically have posted speed limits of 35-45 miles per hour, and 55 mph in rural areas.

Only one major arterial passes through the Village of Decatur and Decatur and Hamilton Townships that is M-51. M-51 provides movement through the village, serves as the primary access for many of the businesses in its business district, and provides a direct link to the surrounding area and to Interstate 94.

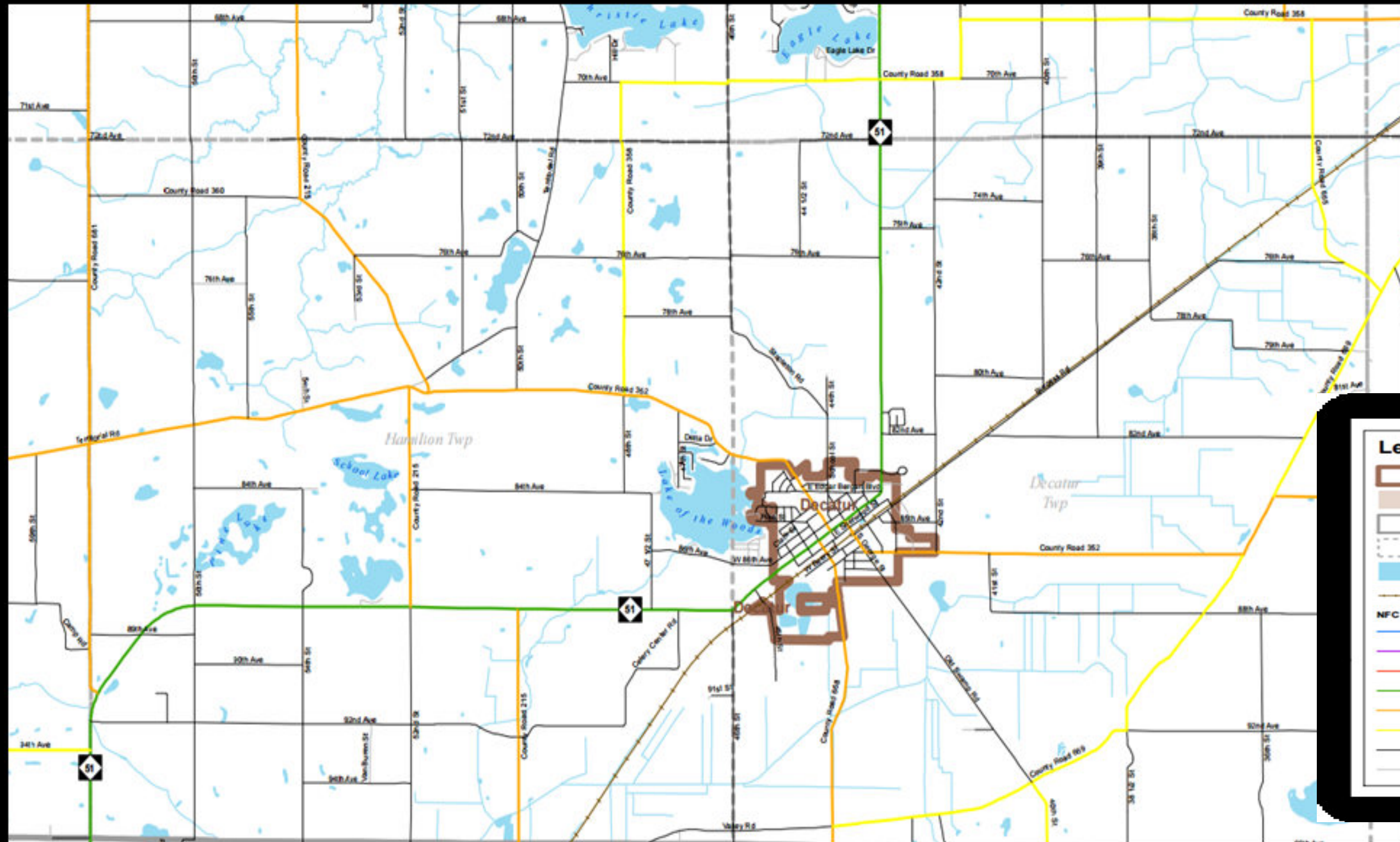
#### County Primary/Minor Arterial

The primary function of a minor arterial is to move traffic within the community, rather than connections to other communities or expressway interchanges. Access to adjacent land uses is as important as function, so speeds are usually slower than with a major arterial.

Two minor arterials are located in the Village of Decatur. The minor arterials include County Roads 352 and 668. County Road 352 connects to M-51, serves as a primary access for many of the businesses located in the village's business district, and provides a connection to Hamilton Township and to the remainder of the western portion of the county. County Road 668 also connects to M-51 and provides access to the southern portion of Van Buren County and into the northern portions of Cass County.

Several minor arterials are located in Decatur Township. The minor arterials include County Roads 352, 669, 665, and 668. County Road 352 provides east-west movement through the township and provides a direct connection to the Village of Decatur. County Roads 669, 665, and 668 generally provide north-south movement through the township with connections to the Village of Decatur and indirectly, Interstate 94.

Several minor arterials are located in Hamilton Township. The minor arterials include County Roads 358, 352, 360, 215, and 681. County Roads 681, 215, and 358 provide north-south movement through the township and indirect access to Interstate 94 and the surrounding communities. County Roads 352 and 360 provide east-west movement through the township and indirect access to adjoining communities





### Major Streets/Collectors

The main function of collectors is to collect traffic from nearby local streets and link it with the surrounding arterial street system. Generally, collectors are not intended for through traffic, but may be forced into this role if arterials become congested. Speed limits are usually 25-35 miles per hour; on street-parking may be permitted. Rights of way are typically less than on arterials, but greater than local streets.

Several collectors are located in the Village of Decatur and include the various avenues and numbered streets (i.e., 86<sup>th</sup> Avenue and 44<sup>th</sup> Street). The collectors provide movement throughout the village and connections to the minor and major arterials located within the village.

Numerous collectors are located in Decatur Township. The collectors include the various avenues and numbered streets (i.e., 92<sup>nd</sup> Avenue, 39<sup>th</sup> Street). The collectors provide east-west and north-south movement throughout the community and connections to minor and major arterials located within the township.

Numerous collectors are located in Hamilton Township. The collectors include the various avenues and numbered streets (i.e., 90<sup>th</sup> Avenue, 52<sup>nd</sup> Street). The collectors provide east-west and north-south movement throughout the community and connections to the minor and major arterials located within the township.

### Local Streets

The primary function of local streets is to provide access to adjacent land uses and ensure through traffic is discouraged. The remaining streets in the village and townships function as local streets, providing direct access to adjacent land uses.

### **Maintenance of Roadways**

The federal aid eligible roadways (See above Map) are monitored on a semi- annual basis through a PASER rating system. The results of this monitoring are reported to the Asset

Management Council on an annual basis. Within the study area there are is a mix of Federal Aid Eligible roads that are in poor to fair condition. A small portion of County Road 665 and 88th Street are classified as good. The Village of Decatur has an asset management plan in place for their roadways. The remaining roads are managed by the Van Buren County Road Commission with the exception of M51 which is maintained by the Michigan Department of Transportation.



## Road Funding

There are several sources of funding for roads within the study area depending on the classification and geographic location of the roadway. Many roadways qualify for multiple sources of funding. The table below outlines the various funding sources available to road infrastructure projects within the study area.

**Table 29. Funding for Roads**

	<b>Local Roads</b>	<b>Federal Aid Eligible</b>	<b>All Season Roads</b>
Van Buren Road Millage Funds	X	X (Match)	X
Act 51 State Funding	X		
State D Funding		X	X
STP-R Funding		X	
CMAQ Funding		X	
TAP Funding		X	
Safe Routes to School Funding	X	X	X

Van Buren County has a local county-wide road millage which is 0.9769-mills which was renewed in 2016 for four years. In 2015, Hamilton Township renewed a road millage of 1-mill for three years. Decatur Township has 2-mill road improvement in place and it is renewable every 5 years - last renewed in August 2014. Millage funds are first utilized to leverage Federal and State funds to do larger, more expensive road and bridge projects. Projects that qualify for Federal and/or State Aid are typically paid at the rate of 90% State/Federal funds, and 10% Local funds. By taking advantage of this funding, when available, the Road Commission is able to accomplish many projects it would, more than likely, never accomplish without county-wide millage funds. Millage funds are also used to accomplish many other annual improvements and upgrades to the county-wide road system through a selection process that takes into consideration asset management, budget constraints, traffic volumes, and township priorities.

**Act 51 Funding:**

Act 51 authorizes designation of jurisdictional road networks: county roads and city and village streets. These “legal systems” fix which road is under which agency’s jurisdiction, and determine funding. The Act sets criteria for those designations and allows for the transfer of mileage between systems. Act 51 assigns responsibility for maintenance, construction, and improvement of those roads to the various governmental bodies. Maintenance includes snow removal, cleaning, patching, signing, and marking, in addition to preservation, reconstruction, resurfacing, restoration and rehabilitation.

**State D Funding:**

To provide funding for transportation projects which complement the existing state trunkline system with improvements on connecting local routes that have high commercial traffic. Eligible applicants are county, city, or village road agencies and transit agencies in counties with a population of less than 400,000.

In order to be eligible for Category D funding:

- The project must be essential to the creation of an all-season road system
- The project must be located on a rural primary road or major street in a small city or village (population of 5,000 or less) in counties with a population of less than 400,000
- Unless waived by the Rural Task Force, the project must be eligible for federal-aid and must be for road improvements on existing hard surface roads
- The project must meet all-season standards
- Projects will be coordinated with TEDF-Category F projects to establish all-season system continuity within cities and villages
- Priority routes must begin and end at an existing all-season road or highway or a point-of-loading origin

**STP-R Funding:**

The STP-Rural Program provides funding to improve roads and streets in rural areas functionally classified as principal arterial, minor arterial or major collector. A special Moving Ahead for

Progress in the 21st Century Transportation Act (MAP-21) rule allows states to use up to 15 percent of funds sub-allocated for areas with a population of 5,000 or less on rural minor collectors at state discretion. The Region 4 Rural Task Force manages these funds for Van Buren County. The Southwest Michigan Planning Commission provides administrative support for this task force. <http://www.swmpc.org/rtf.asp>

### **CMAQ Funding:**

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides a flexible funding source for transportation projects and programs that help improve air quality and reduce congestion. State and local governments can use CMAQ funds to support efforts to meet National Ambient Air Quality Standards (NAAQS) under the Clean Air Act in both nonattainment and maintenance areas for carbon monoxide, ozone, and particulate matter.

- *Nonattainment areas* are those where air pollution levels exceed NAAQS.
- *Maintenance areas* are those that were out of compliance with NAAQS for these pollutants but now meet the standards.

### **TAP Funding:**

Transportation Alternatives Program (TAP) TAP is a competitive grant program that funds projects like bike paths, streetscapes, and historic preservation of transportation facilities that enhance Michigan's intermodal transportation system and provide safe alternative transportation options. These investments support place-based economic development by offering transportation choices, promoting walkability, and improving the quality of life.

### **Safe Routes to School Funding:**

Federal law provides funding for infrastructure projects, law enforcement, education, and encouragement activities aimed at enabling and encouraging children to walk and bike to school.



This encourages a healthy and active lifestyle at an early age, and improves safety, as well as reducing traffic, fuel consumption, and air pollution in the vicinity of elementary and middle schools. Schools serving children in grades K-8 are eligible for SRTS funding, which is available on a competitive grant basis.

### ***Pedestrian***

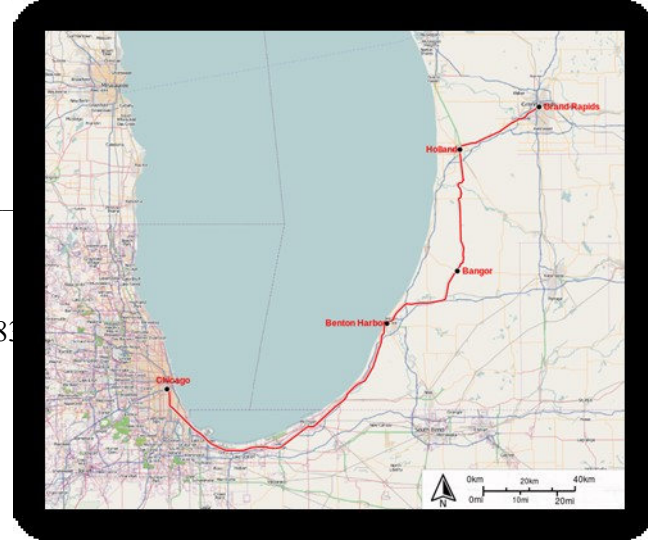
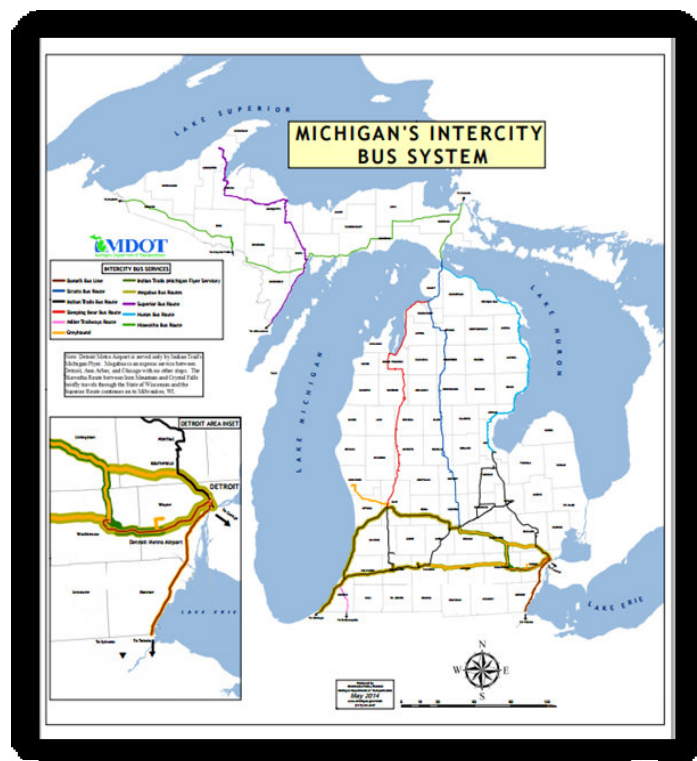
The majority of the Village of Decatur is served by sidewalks enabling pedestrian movement throughout the residential areas and the business district. Generally, sidewalks are not present in either Decatur Township or Hamilton Township, due to the relatively low density of development found in these areas. There is a recreational trail in Hamilton Township adjacent to the Grange Hall or Old Township Hall.

### **Intercity Bus Service**

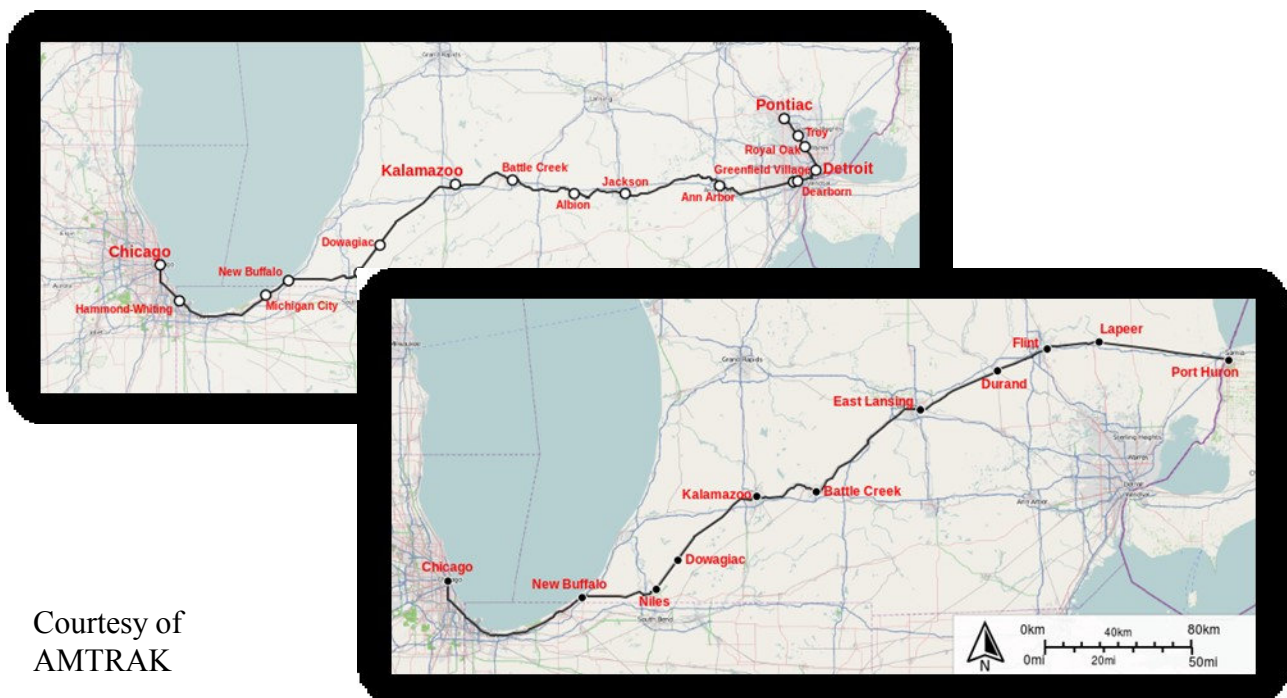
Within the study area there is one intercity bus provider. Typically intercity bus service provides scheduled service to cities over much longer distances than local transit agencies. Greyhound has scheduled stops in the Village of Paw Paw. The bus station is located within the downtown at 217 Michigan Avenue. From this location people have access to daily service to larger urban destinations that include Kalamazoo, Battle Creek, Detroit, Grand Rapids, and Chicago.

### **Passenger Rail**

Within a 30 minute drive from Hamilton and Decatur Townships Amtrak provides daily service from Bangor in Van Buren County



and Dowagiac in Cass County. The **Pere Marquette** runs once daily between Grand Rapids and Chicago with five stops including one in Bangor. The **Wolverine Service** runs three times daily with service between Chicago and Pontiac with 16 stops, including one in Dowagiac. **Blue Water Service** runs once daily between Chicago and Port Huron and has 11 stops, including one in Dowagiac.



### Public Transit

Van Buren Public Transit provides countywide curb-to-curb, advance reservation transportation as well as very limited transportation to medical facilities outside the county including Kalamazoo and Battle Creek. The roundtrip fare for out-of-county service to Kalamazoo and Battle Creek is \$20.00. Travel within the county from origins in Hamilton or Decatur Township require a minimum 24 hour

advance reservation. Countywide service operates from 6:00 am-5:00 pm Monday through Friday, however pickup times are based on availability. The roundtrip cost for traveling within the county of Van Buren is \$12.00 and half fare for older adults over the age of sixty or people with a documented disability.

The closest activity center is the Village of Paw Paw which is home to larger big box stores, hospital and medical facilities, Van Buren County Mental Health and various other human service agencies. Van Buren Public Transit offers an affordable flex route in the Village of Paw Paw. The Concord Loop route offers the reliability of scheduled service to and from designated bus stops and the flexibility of being able to request a stop or a pickup from places along the route. The service operates Monday- Friday between 8 am - 5pm and Saturdays from 10am - 3pm on Saturdays. The fare for the Concord Loop is \$1.00.

### **Senior Transportation**

Van Buren County Senior Services coordinates countywide transportation with Van Buren Public Transit for rides to and from the central and satellite locations. Transportation is also available if an older adult desires to attend programs at meal sites throughout the county. Service locations currently include: the Warren Senior Center in South Haven, the Simpson Methodist Church in Bangor, Black River Commons in Bangor, Harbor View in South Haven, Columbia Township Hall, and other locations as scheduled. (See Table ) The Van Buren Senior Services also provides qualifying seniors with transportation to and from medical care appointments by connecting seniors with volunteer drivers or handicap-accessible rides through Van Buren Emergency Medical Services and Van Buren Public Transit, as funds allow.

**Table 30. Van Buren County Senior Service Transportation and Senior Center Meal Sites**

Agency Name	Origins	Destinations	Center Hours	Number of Vehicles
Van Buren County Senior Services	Van Buren County	Van Buren County St. Joseph County Grand Rapids Kalamazoo	Tuesday and Wednesday 10:00 am - 2:00 pm	30 volunteer drivers No lifts (Also contracts out with Van Buren Public Transit)
Senior Center & Meal Sites			Center Hours	
Antwerp Senior Center			Tuesday and Wednesday 10:00 am - 2:00 pm	
Bloomington Senior Center			Friday 10am-2pm	
Decatur Senior Center			Tues 10am-2pm (Noon Lunch)	
Gobles Senior Center United Methodist Church			3 <sup>rd</sup> Thurs of the month 10am-2pm	
Hartford Senior Center			Monday & Tuesday, 12:30-3:30 PM	
Keeler Senior Center			3 <sup>rd</sup> Wed of each month 9am-10:30am	
Lawrence Senior Center			2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays at 1pm	
Lawton Senior Center			Mon 10am-2pm (Noon Lunch)	
Paw Paw Senior Center			Mon, Tues, & Thurs- 10am-2pm Wed- 8am-11am (Breakfast 8am-10am)	
Warren Senior Center South Haven, Michigan			Mon-Fri 9am-4pm (Noon Lunch)	
Woodside Comprehensive Plan Woodside Apartments Hartford, Michigan			Mon and Tues 12:30pm-3:30pm	

**Private Transportation Providers**

There are very few affordable accessible private transportation options for people using a wheelchair who have to travel out of county or the state in the study area. There are several non-emergency medical transportation (NEMT) providers that have accessible vehicles; many times the cost for this service is not affordable for people on a fixed income or for someone that has to use the service on a regular basis. People living within the study area can often have a 40-100 mile round trip commute to access specialized medical care in Kalamazoo, Grand Rapids or Battle Creek. The costs for a hundred mile round trip can be as much as \$150.00. Van Buren Public Transit and the Disabled American Veterans offer very limited transportation to Kalamazoo and Battle Creek.

**Shared Ride Programs**

The Southwest Michigan Planning Commission manages the Go! RideShare program which includes a secure free on-line commuter matching service available to anyone who lives in Berrien, Cass or Van Buren Counties who is interested in sharing the ride to work. Commuters who register with Go! RideShare are sent an email once a match is found of people or co-workers who are going the same direction at approximately the same time of day. The agency also manages the School Pool shared ride program designed to assist in the creation of carpools. Modeled after the successful Michigan Rideshare Program, School Pool will connect parents with other families in order to share commuting needs.

**Passenger Air**

Within a thirty minute drive of the study area Kalamazoo Battle Creek Airport offers daily service to Chicago and Detroit where passengers can connect to destinations around the world. Within a one hour drive South Bend International Airport offers non-stop service to ten destinations and connections to Chicago and Detroit.

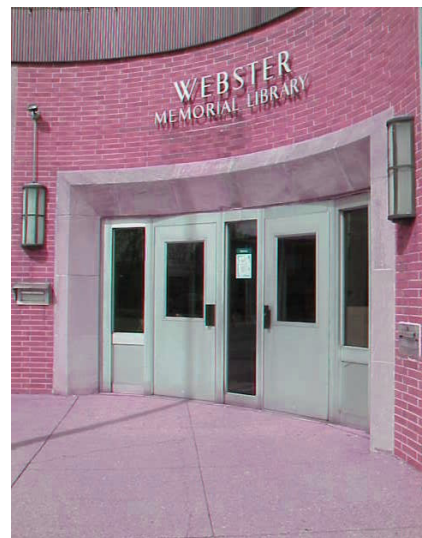
**Summary:**

- All of the roads in the Decatur-Hamilton area can be classified as either a major arterial, minor arterial, collector, or local street.
- Most of the roads in Decatur and Hamilton Townships are collectors or minor arterials. Most of the roads in the Village of Decatur are local streets.
- Most of the roads in Decatur and Hamilton Townships are maintained by the County Road Commission. Most of the roads in the Village of Decatur are maintained by the village.
- M-51 is the most heavily traveled in the Decatur-Hamilton area and provides access to Interstate 94 and to Cass County.
- Other forms of transportation are limited in the Decatur-Hamilton area. Public transportation is provided by Van Buren Public Transit in the Decatur-Hamilton area. Pedestrian facilities are generally only present in the Village of Decatur. Railroad use is increasing in the Decatur area. Air service is available in adjoining communities including South Bend, Indiana and Kalamazoo.

**Community Facilities****Schools & Libraries**

The Decatur-Hamilton area is served by the Decatur, Lawton, Marcellus Public School systems. The Decatur school system includes one elementary school, one middle school and one high school. All Decatur schools are on one campus, located at the western edge of the Village's central business district. In the Fall of 2015, 835 students were attending the schools within the Decatur Public School System. The area is also served by Southwestern Michigan College in Dowagiac.

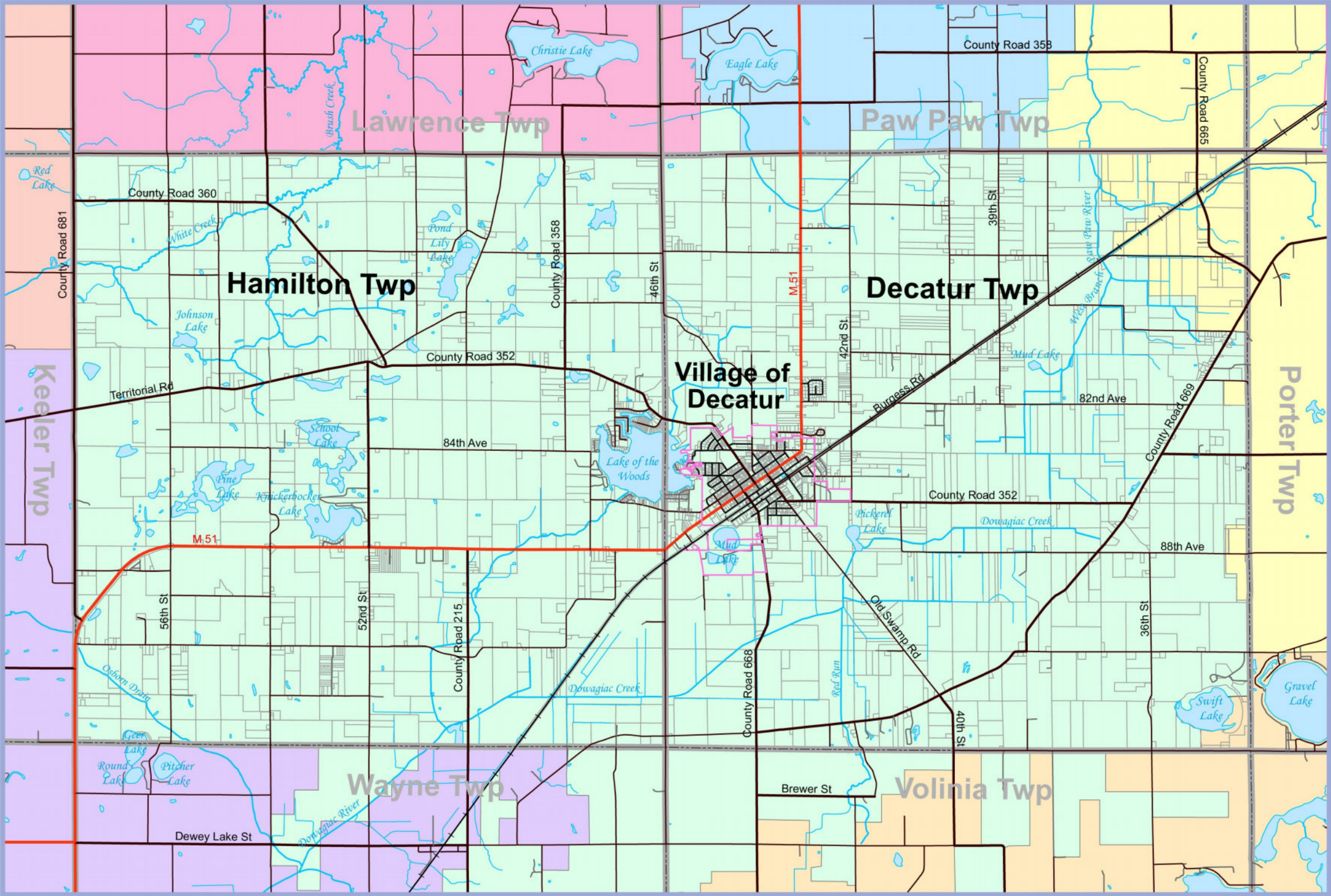
The Van Buren District Library headquarters is at the Webster Memorial Library Building in Decatur. A large local history and genealogy collection is maintained in the Local History Room at





the Webster Memorial Library Building in Decatur. The Local History Room contains over 3,000 library items, including local and family history materials for Southwest Michigan and general genealogical items for the United States and some foreign countries. The Bess Britton One-Room Schoolhouse Collection was recently added to these materials, consisting of 20 notebooks of history concerning nearly 600 of Michigan's historic one-room schoolhouses. The collection was donated by Mrs. Bess Britton of rural Decatur Township, Van Buren County. The Local History Room also houses another 600 plus items from the Van Buren Regional Genealogical Society.

School Districts



**Legend**

- Township
- Parcel

**School Districts**

- Decatur Public
- Dowagiac Union
- Hartford Public
- Lawrence Public
- Lawton Community
- Marcellus Community
- Paw Paw Public

N

0 0.5 1 1.5 Miles

**Data Sources**  
Base Map and Districts: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009  
**Southwest Michigan Planning Commission**  
Tel: 269-925-1137  
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**Van Buren County**

Hamilton Township Decatur Township

### Administrative Buildings

The Village of Decatur operates out of the Village Hall, which is located at 114 North Phelps in the Village of Decatur. The Village Hall provides the offices for the village administrative staff including the Village Manager, the Village Clerk, and the Village Police Department. The Village Hall serves as the meeting location for the various boards and commission formed in the Village. The Village Hall was expanded several years ago and should adequately serve the needs of the residents for the timeframe covered in this plan.

Decatur Township operates out of the Town Hall located on M-51 in the Village of Decatur. The Town Hall provides the offices for the township elected and appointed staff, including the Township Supervisor. The Town Hall serves as the meeting location for the various boards and commissions formed in the township. The Decatur Township Hall has been in the same location for nearly 100 years and has undergone significant renovations since 2014. The Township invested \$50,000 to make the facility handicap accessible with a ramp, electric door, new restroom, and raising the floor in the foyer to make the two offices handicap accessible. The exterior brick work was tuck pointed and sealed. Continued improvements are being scheduled. The Township received a \$15,000 grant from Help America Vote to fund the improvements along with the Township's hall restoration/improvement reserved funds.

Hamilton Township operates out of a newly built Town Hall located on County Road 352. The Township Hall provides the offices for the township elected and appointed staff including the Township Supervisor. The Town Hall serves as the meeting location for the various boards and commissions formed in the township. With the completion of the new Town Hall, the building should adequately serve the needs of the residents for the time-frame covered in this plan.

### Public Safety Facilities

The Decatur - Hamilton area is served by the Decatur Hamilton Fire Department, which operates out of a fire house located in the southern portion of the Village of Decatur along M-51. Currently there are thirty volunteer fire fighters. Dispatching is provided to the Department by the Van Buren County 911 Central Dispatch.

The Village of Decatur is served by the Village of Decatur Police Department. The department operates out of the Village Hall and includes a Chief of Police, Police Sergeant, and two Patrolmen. Police dispatching is provided to the village by the Van Buren County 911 Central Dispatch.

Decatur and Hamilton Townships rely on the Van Buren County Sheriff's Department for law enforcement. Currently, the Sheriff's Department provides limited patrols on a daily basis. Police dispatching is provided to the Sheriff's Department by the Van Buren County 911 Central Dispatch.

**Summary:**

- The majority of community services are located in the Village of Decatur.
- Both Hamilton Township and the Village of Decatur are served by relatively new or recently remodeled government offices. Decatur Township is served by a town hall that remains functional, though due to its age and current configuration, may need additional maintenance in the future.
- There are discussions to offer more coordinated services such as the police and blight enforcement.

**Parks and Recreational Facilities**

Existing Recreation Facilities

The majority of recreational facilities and services available to residents of the Decatur-Hamilton area are located in the Village and either owned and maintained by the village or the Decatur school district. The Village operates and maintains five parks. Recreational facilities located in the village include:

***Red Woolfe Park***

This park is located on Lake of the Woods and provides public access to the lake. The park includes the only public beach on Lake of the Woods and also has a playground, picnic shelter, grills, restroom, shower and volleyball facility.

***Raider Romp***

The Raider Romp Park has a playground and a pavilion with picnic tables and grills. The park is located on the northern edge of the village and was constructed following an extensive and successful community fund-raising effort.

***Southside Skate Park***

The Village of Decatur created a concrete skate park located on South Williams and Beers Street. The park serves as the major recreational opportunity on the south side of the Village. Along with the skate park there is a basketball court.

***DDA Park***

This small downtown park has a gazebo with benches and is used for the farmer's market.

***Fire State Park***

This park offers a playground, small pavilion with picnic tables and grill, restrooms and 2 tennis courts,

***High School Facilities***

The junior high - senior high school campus includes associated athletic activity areas. These areas include baseball and softball fields, football field, and track. Because of its placement in the center of the village, the track and fields are used frequently by residents in the adjoining neighborhoods.

***Elementary Facilities***

The new Decatur Elementary School includes an associated play area. This area includes playground equipment and benches as part of the new school campus. With the placement of the school campus in the fabric of the community, the play area will be used frequently by residents in the adjoining neighborhoods.



### ***Other***

In addition to these facilities there is a recreational trail located adjacent to the Grange Hall in Hamilton Township. It is a 1.6 mile trail on 79 acres which is owned by the Michigan Nature Association. This trail was recently established and is designed for nature walking and exercise. There is also a public boat launch on the west end of Lake of the Woods. The Van Buren Conservation District owns Hayden Woods in Hamilton Township which is open to the public for passive recreational activities.

There also exists a series of snowmobile trails through both Decatur Township and Hamilton Township on private lands. In total there exist several miles of snowmobile trails in the area that connect to a network of trails providing access to areas throughout southwestern Michigan. Additional recreation opportunities in the surrounding area include those operated and maintained by adjoining local jurisdictions, the State of Michigan, and private interests. These include private campgrounds, state park facilities, and other municipal parks.

### ***Existing Recreation Programs***

Organized recreation programs are limited generally to those programs affiliated with the local school district, private organizations, churches, etc.

### **Analysis of Current Facilities and Programs**

Neither of the townships have currently have a parks and recreation plan to assist in the planning and development of future parks and recreation facilities. However, the village does maintain a current five-year Community Parks and Recreation Plan. Typically, a parks and recreation plan provides a detailed inventory of existing recreation facilities, an in-depth analysis of any deficiencies that may exist, and an action plan for capital improvements to existing facilities or for the acquisition and construction of new facilities. Currently, the Michigan Department of Natural Resources (MDNR) requires such a plan be in place and updated every five years for the community to be eligible for grants administered by the MDNR. Such a plan also assists the community in being more responsive to the changing recreation needs of the community.



While a comprehensive parks and recreation plan is beyond the scope of this Master Plan, some basic information can be provided relative to the sufficiency of current facilities and programs. The Michigan Department of Natural Resources suggests that communities strive to provide park land at a ratio of ten acres per each 1,000 persons, in an effort to satisfy all forms of recreation needs. Based on the 2010 populations of the Village and the Townships a total of approximately 71 acres of park land should be available. With the current acreage dedicated to parks and recreational opportunities it appears that the amount is deficient. This deficiency is most pronounced in the townships and was reflected in the community surveys that indicated a desire for additional recreational opportunities.

Based upon the population projections for the Decatur-Hamilton area it can be determined that a demand for an additional five to ten acres may exist by 2020. Again, based on the current parks and recreational offerings, it would appear that the current deficiency will continue into the future, unless additional land is developed for such purposes.

In addition to the quantity of park land, equally important is the location of these facilities. Often the location of such parks can be used to determine how adequately specific neighborhoods are served. Generally, parks should be conveniently located so that they are easily accessible to the residents they are intended to serve. The degree of accessibility is generally a function of the type and purpose of the park. For simplicity, the parks within the Decatur-Hamilton area can be viewed as falling into one of four specific categories. These categories are Community Parks, Neighborhood Parks, Mini-Parks and Special Purpose Parks.

### ***Community Parks***

A community park offers areas of diverse environmental quality and may include areas suited for intense recreation facilities, such as athletic fields and picnic area. A community park may also feature an area of natural quality for passive recreation, such as sitting and viewing. The athletic fields located at the junior high/high school campus and the Red Woolfe Park is the closest facilities that the Decatur-Hamilton areas have to community parks.

### ***Neighborhood Parks***

These parks are intended to be recreation areas to serve the immediate neighborhoods in which they are located. Neighborhood parks typically offer such recreation activities as field games, court games, playground equipment, and picnicking. They should be easily accessible to residents of the neighborhood, with special consideration given to pedestrian and bicycle safety. Elementary school playgrounds often serve in this capacity. Another example of a neighborhood park is the park adjacent to the fire department.

### ***Mini-Parks***

Mini-parks is small, specialized parks, typically less than one acre in size, generally intended to serve the needs of the residents in the surrounding area. A mini-park may contain a children's play lot, serve as a greenbelt, or provide a sitting area. The park in the central business district functions as a mini-park.

### ***Special-Purpose Parks***

Special purpose parks are generally those that offer a unique feature that often serves a regional population. Examples typically include greenways, boat launches, backpacking trails, etc. Both the trail at the Grange Hall in Hamilton Township and the snowmobile trails function as special purpose parks.

Ideally, each neighborhood located in the village should contain a recreational open space. It is best if this space is located within a five minute walk, where pedestrians would not encounter barriers such as creeks, major roads, or railroads, which may inhibit access to the facility. The neighborhoods which appear to lack access to such facilities are those that are in the southeastern portion of the Village.

Due to their more rural nature and lower population densities, it is neither appropriate nor necessary to expect each neighborhood within Decatur and Hamilton Townships to have direct access to a recreational open space. However, access to such opportunities, within a reasonable distance is

necessary. The central location of the village and its facilities addresses many of the recreational needs of the townships, however portions of the townships remain a considerable distance away from any facilities and can only reach them through use of an automobile. Opportunities exist within the townships for the provision of additional special purpose parks or community parks. Specific opportunities include greenway development along creeks, development of a community park in the vicinity of the Hamilton Township Hall, acquisition of land for wildlife viewing, hiking, hunting, etc.

### **Summary:**

- The Decatur-Hamilton area could benefit from a joint parks and recreation plan that provides a detailed inventory of facilities, analysis of current facilities, and a five-year action program for capital improvements. See the Village Parks and Recreation Plan for more information on Village resident's priorities for parks and recreation.
- The analysis provided in this Master Plan indicates that the current acreage of park facilities is deficient for both the current population and the projected population, particularly in the townships.
- The analysis provided in this Master Plan indicates a need for additional parks space in the southeastern portions of the Village, in part due to the barriers that limit accessibility to existing facilities.
- The analysis provided in this Master Plan indicates that it may be appropriate to pursue the development of additional park facilities in the townships, particularly of facilities that take advantage of the natural features present in the townships, but may not be available in the village, such as nature trails, cross country skiing, hunting, and wildlife viewing.

### **Utilities**

#### Sewer and Water

Only the Village of Decatur owns and operates a source of public drinking water and wastewater treatment. Residents and businesses in both Decatur Township and Hamilton Township, generally rely upon private wells for drinking water supply and individual on-site wastewater treatment systems (septic tanks) for waste disposal.

The Village owns and operates a public drinking water system which includes three wells with a total capacity of 251,500 gallons of potable water per day. The system also includes a water tower located

on Eli Street capable of storing 200,000 gallons of water. The water supply is distributed throughout the Village through a variety of mains ranging in size from 4 inches to 16 inches, with all current 4 inch pipes to be replaced with 6 inch pipes. The current usage of the system is approximately 200,000 gallons per day, yielding an excess capacity of 51,500 gallons per day.

The Village owns and operates a wastewater treatment facility consisting of three treatment lagoons with a treatment capacity of 1.19 million gallons per day. Wastewater is collected throughout the Village through gravity mains and force mains of various sizes. The current usage of the system is 0.15 million gallons per day, yielding an excess capacity of 1.04 million gallons per day. Any extension of utilities should be done in cooperation with the townships.

#### Electric and Natural Gas

Homes and businesses in the Decatur-Hamilton area are provided electric and natural gas service by Midwest Energy Cooperative, Consumers Energy and Indiana Michigan Power. The service is generally considered adequate for current and projected residential and business needs.

#### Telecommunications

Homes and businesses in the Decatur-Hamilton area are provided telecommunications services by a variety of service providers. Service is provided through transmission lines and telecommunication towers and antennas. Local calls are now available to Dowagiac, Hartford, Lawrence, Lawton, Marcellus and Paw Paw. The Decatur-Hamilton area does not have affordable high speed Internet options.

#### **Summary:**

- Water and public sewer facilities are generally only currently available to the residents and businesses in the Village.
- A large amount of excess capacity exists relative to the Village's water supply and wastewater treatment.
- The Decatur-Hamilton area is generally well served by utilities, except for high speed Internet options.

## Existing Land Use/Cover

### General Overview

The Village of Decatur, Decatur Township, and Hamilton Township are located in the extreme southern portion of Van Buren County. The Village of Decatur has historically served as the area's economic center containing the majority of the area businesses, industry, and community facilities. Similarly, until recently the village has housed the majority of the area's population. Decatur Township and Hamilton Township have historically served as an agricultural center, predominantly producing a variety of produce and grain products.

### Land Use Classifications

The following section outlines in more detail the location and characteristics of particular land cover and uses within the Village of Decatur, Decatur Township, and Hamilton Township. Existing land cover gives an indication of the amount of land that is agricultural, open or natural. Only about 3% of planning area (Decatur Village, Decatur and Hamilton Townships) is classified as urban lands. The remaining lands are agricultural, open space, natural areas and water.

**Table 31: Land Cover/Land Use; Planning Area; 2010**

	<b>Acres</b>	<b>Percent</b>
High Intensity/Medium Intensity	178	0.4
Low Intensity	1,157	2.5
Developed Open Space	347	0.8
Cropland	24,124	53
Pasture/Hay/Grassland	6,817	15
Forest	7,191	16
Wetland	5,092	11
Water	618	1.4
<b>TOTAL ACRES</b>	<b>45,527</b>	







**Table 32. Land Use/Cover by Municipality; 2010**

	<b>Decatur Township</b>		<b>Hamilton Township</b>		<b>Decatur Village</b>	
<b>CLASS</b>	<b>ACRES</b>	<b>PERCENT</b>	<b>ACRES</b>	<b>PERCENT</b>	<b>ACRES</b>	<b>PERCENT</b>
High Intensity Medium Intensity	62	0.3%	18	0.1%	98	11%
Low Intensity	488	2%	451	2%	218	23%
Developed Open Space	92	0.4%	26	0.1%	230	25%
Cropland	12,039	55%	11,974	53%	111	12%
Pasture/Hay/Grassland	3,069	14%	3,729	16%	18	2%
Forest	4,311	19%	2,712	12%	168	18%
Wetland	1,607	7%	3,424	15%	61	7%
Water	173	0.8%	423	2%	22	2%
<b>TOTAL ACRES</b>	<b>21,842</b>		<b>22,758</b>		<b>927</b>	

***Agricultural (Cropland/Pasture/Hay/Grassland)***

For the purposes of this analysis, agricultural land has been defined as any land that is being used for cropland or pasture/hay/grassland. These activities occupy approximately 30,941 acres or 68% of the total area. Broken down further, there are approximately 129 acres in the Village of Decatur, 15,108 acres in Decatur Township, and 15,703 acres in Hamilton Township.

***Urban (High, Medium and Low Intensity Developed and Developed Open Space)*****Single Family Residential**

Single family residential is the second largest land use in the Decatur-Hamilton area, the largest land use in the Village of Decatur. Single family residences are located in the Decatur-Hamilton area in primarily three development patterns. These include; a traditional village pattern within the Village of Decatur, concentrated suburban patterns of development such as that located along Lake of the Woods, and scattered rural residential throughout both townships.

Though a significant portion of the land in both Decatur Township and Hamilton Township remains in agricultural production, the pattern of development (scattered single family homes fronting the major roadways) gives the area a more suburban character. The vast majority of this use occurs in a

traditional residential pattern that includes small lots, high density, a variety of architectural styles, interconnected streets, sidewalks, and close proximity to public facilities and shopping opportunities.

### **Multiple Family Residential**

Multiple family residential areas are found only in the village and occupy approximately 8 acres. These areas are generally newer construction and do not share the same characteristics as the single family residential areas, such as proximity to public facilities and interconnection into the grid street pattern of a neighborhood.

### **Commercial/Industrial**

Commercial development in the Decatur-Hamilton area is primarily located in the Village of Decatur and along the fringes of the village. Additional commercial uses are found scattered throughout both townships, though they remain few in number. The commercial uses located in the Village of Decatur consist largely of retail operations that cater to the convenience needs of local residents. These include grocery stores, hardware stores, and gas stations. Banks, insurance offices, real estate offices, and restaurants constitute the remainder of the commercial uses in the village.

Commercial uses in the village occupy approximately 27 acres or 4% of the land area. The majority of these uses are concentrated in the central business district or in the area immediately adjoining. Industrial uses in the village occupy approximately 31 acres or 4% of the land area. The majority of these uses occur in the southeastern portion of the village. Several of these areas are currently underutilized and represent a re-development opportunity for the village.

### **Public/Semi-Public**

Any use that is owned or operated to provide services to the general public and citizens of the community is considered public or quasi-public use. These include schools, parks, libraries, fire stations, churches, Village Hall, and both Town Halls. Public and semi-public uses occupy approximately 176 acres or less than 1% of the total area. Public and semi-public land uses occupy a

significant portion of the Village of Decatur. Approximately 95 acres or 13% of the land in the village is dedicated to activities that include schools, churches, and cemeteries.

***Natural (Forest, Wetland, Water)***

Decatur Village and the Townships have a total of 12,901 acres of natural lands. This is 28% of the planning area. These natural lands combined with the agricultural lands contribute to the rural character of the area that so many residents cherish and even base their decision to live in this area. Decatur Township has over 4,300 acres of forest which accounts for almost 20% of the Township area. This is a very significant amount of forested lands most of which are un-fragmented. These lands are an incredible resource for area wildlife and for protecting water quality. For each municipality, Decatur Township has 6,091 of natural lands (with 4,311 being forests) which is 26.8%, Hamilton Township has 6,559 acres of natural lands at 29% of its area and Decatur Village has 251 acres of natural lands at 27%. Each municipality has about a quarter of its area in natural land cover.

**Summary:**

- The majority of land in the townships is used for agricultural activities (68%).
- There are significant intact natural lands (28%), especially with 4,300 acres of forest lands in Decatur Township. Each community has about 25% of natural lands.
- The majority of land in the Village is used for residential activities.
- Land use development patterns for the Decatur-Hamilton area have changed since 1978, primarily with continued expansion of residential activities along the major roadways and with conversion of specific agricultural activities into other activities.
- Land use in the Village has been fairly stable since 1978, though there has been a reduction in some industrial activities, and increase in residential activities, and an increase in commercial activities, especially along M-51.

## Goals and Objectives

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### Overview

One of the primary elements of any master plan is the formulation of community goals and objectives. Goal establishment helps to determine the direction that the community seeks to pursue in future growth and development. Objectives are more specific, “action-oriented” items that are intended to assist in the eventual fulfillment of the stated goals. Both goals and objectives are essential to the success of the planning process, in that they provide a significant portion of the framework within which the plan is developed.

This section of the plan summarizes the efforts undertaken to arrive at the stated community goals and objectives for the future physical development of the community. To that end, the goals and objectives identified herein are intended to:

1. reflect the land use priorities of the community,
2. give direction to development and re-development efforts regarding the townships’ and village’s physical environment, and
3. establish stated policies to assist the Planning Commissions, Township and Village staff, and other boards and commissions in assessing the impact of their planning decisions.

The stated community goals and objectives further have the following purposes:

- To guide the Planning Commissions, Village Council and Township Boards when considering requests for changes in zoning. The Planning Commissions, Village Council and Township Boards should reference the plan’s goals and objectives when considering zoning change requests, to ensure consistency with the policies and intents of the land use plan.
- To guide the Village Council and Township Boards and other boards and commission when considering capital improvements. Again, the goals and objectives stated in the Master Plan should be referenced when considering major investment in infrastructure, buildings, services, etc., to ensure consistency with the policies and intents of the land use plan.

- To assist the Decatur-Hamilton area residents in expressing their local expectations and plans for the future growth and development of the Village and Townships to adjoining municipalities, the county, and the region.

It is important to note that community goals and objectives while never final or complete, they should regularly be reviewed by the Planning Commission to ensure that the intent and purpose of the goals remain current and valid. In such instances, it may again require the Planning Commission to carefully review current circumstances, existing trends, and community perceptions and preferences.

## Community Survey

### Total Responses 152

#### I live/own property in:

Decatur Township 62 | Hamilton Township 57 | Decatur Village 36 | No answer 2

#### I work in:

Decatur Township 7 | Hamilton Township 10 | Decatur Village 17 | No answer 122

#### I own a business in:

Decatur Township 5 | Hamilton Township 8 | Decatur Village 7 | No answer 132

#### How many years have you and your family resided /owned property in the community?

less than a year 3 | 1-5 years 11 | 6-20 years 26 | more than 20 years 105 | No answer 7

**Table 33. Survey Results 2015**

<b>How much do you agree or disagree with the following statements:</b>	<b>1 strongly agree</b>	<b>2 agree</b>	<b>3 no opinion</b>	<b>4 disagree</b>	<b>5 strongly disagree</b>	<b>No answer</b>
Develop standards for new development that will protect wetlands, rivers, streams and lakes by reducing polluted runoff.	67	52	16	9	2	6
Recognize farming as an essential economic activity and support voluntary preservation of farmland and open space.	66	61	19	0	1	5
Focus on encouraging additional employment opportunities in the area.	61	65	16	2	3	5
Expand high speed internet options to the area.	61	47	32	5	1	6
Provide more effective enforcement of codes and ordinances to eliminate blight.	61	44	32	5	5	5
Develop a short and long range plan to prioritize road improvements.	53	76	10	3	4	6
Focus on encouraging additional shopping opportunities in the Village.	45	68	28	3	3	5
Concentrate new business, industry and residential development in or near the village.	45	62	29	7	4	5
Ensure neighborhoods in the Village have adequate sidewalks and pedestrian access to downtown, schools and parks.	41	73	22	6	5	5
Improve the quality of the drinking water supplied by the Village.	42	43	52	7	2	6
Keep residential densities low in the Township to maintain rural character.	34	44	40	23	5	6



<b>How much do you agree or disagree with the following statements:</b>	<b>1 strongly agree</b>	<b>2 agree</b>	<b>3 no opinion</b>	<b>4 disagree</b>	<b>5 strongly disagree</b>	<b>No answer</b>
Establish a joint police department that serves Decatur Village, Decatur Township and Hamilton Township.	32	45	33	22	14	6
Limit the expansion of municipal sewer and water services to serve only the areas surrounding the Village.	29	40	41	24	12	6
Improve roads to provide bike lanes or paved shoulders for pedestrians and bicyclists.	28	33	46	16	24	5
Improve the signage and landscaping at the entrances to the Village.	20	49	55	17	6	5

### **Community Goals and Objectives**

For the sake of simplicity and to facilitate a better understanding of their intent, the community goals and objectives are presented under the heading of broad categories such as housing development and community facilities and services. It should be noted however, that many of the goals and objectives touch upon more than one category, thus demonstrating their complexity and interrelatedness regarding the preferred future growth and development of the Decatur-Hamilton area.

#### Natural Features and Open Space

**Goal: The Decatur-Hamilton area will be a community that preserves and enhances its natural features.**

Objectives:

- Identify key natural features including local lakes, the Dowagiac River, Brush Creek, West Branch, wetlands, and woodlands, and develop specific strategies to protect and enhance each of these features. Encourage natural shorelines along lakes, rivers and streams.
- Utilize land use regulatory measures and development standards that promote the protection and enhancement of key natural features.
- Encourage development techniques that retain large, un-fragmented parcels in the townships for open space and agricultural uses, where appropriate.
- Support the Growing Greener in Southwest Michigan Initiative by helping to educate residents about the important functions that natural systems provide to the residents and the community. ([www.swmpc.org/growgreen.asp](http://www.swmpc.org/growgreen.asp))

**Goal: Decatur-Hamilton Township will seek to increase the use of conservation easements, and other measures to conserve the open space and greenways within the joint community areas.**

Objectives:

- Update zoning ordinance to require open spaces in PUDs to be consolidated into larger contiguous units whenever feasible. (Hamilton Township has done this.)
- Utilize the Potential Conservation Area Map to determine which lands should not be zoned for high intensity uses.
- Work with Southwest Michigan Land Conservancy to advise landowners of land protection options (options are detailed in Appendix 2).

#### Water Quality Protection

**Goal: The Decatur-Hamilton area will strive to reduce the amount of impervious surface within all residential, commercial and industrial developments.**

Objectives:

- Changes to the Zoning Ordinance should include:
  - Include all impervious surfaces in the calculation of lot coverage (building, pavement, etc).
  - Review and change lot coverage percentages if necessary.
  - Encourage use of native plants in all development types.
  - In large parking areas, require parking lot islands that provide for stormwater storage and filtration.
  - Allow and encourage alternatives to traditional pavement (such as pervious pavements and gravel) for driveways and parking lots .
  - Allow for smaller parking spaces.
  - Review and change parking space requirements for multi-family residential, commercial and industrial uses.
  - Encourage shared parking whenever feasible.

**Goal: The Decatur-Hamilton area will strive to reduce the amount of non-point source pollutants that enter the communities' waterways through best management and stormwater management practices that seek to preserve the natural features and drainage patterns of the area.**

Objectives:

- Changes to the Zoning Ordinance should include
  - Require waterbody setbacks for building and require natural vegetated buffers to be left when new development occurs along waterbodies (streams, drains, rivers, lakes) and wetlands.
  - Prohibit development in floodplain areas.
- Implement Low Impact Development techniques in new and redevelopments

([www.swmpc.org/lid.asp](http://www.swmpc.org/lid.asp)).

- Work with Drain Commissioner to send information to property owners along drains.
- Work with the Drain Commissioner to ensure drain maintenance projects are done in a manner that protects and improves water quality.

#### Farmland Preservation

**Goal: Decatur and Hamilton Townships will continue to be communities with viable agricultural enterprises and working landscapes.**

Objectives:

- Discourage fragmentation of viable agricultural lands through the use of zoning techniques such as exclusive agriculture or sliding scale zoning.
- Participate in the Van Buren County Farmland and Open Space Protection Program.
- Require any new housing development abutting agricultural activities to have an adequate setback and a buffer to reduce conflicts.
- Recognize farming as an essential economic activity to the Decatur-Hamilton area and the region.
- Avoid rural-urban land use conflicts by encouraging very low density, dispersed, residential uses, or open space development adjacent to existing rural areas.
- Identify areas that are to be permanently retained as productive agricultural lands.
- Explore the use of various planning programs to preserve existing agricultural lands, including, the purchase of development rights, and the transfer of development rights, agricultural protection zones, and purchase of conservation easements.
- Explore the use of various economic tools that may be available to preserve and enhance agricultural activities including, tax relief, value added opportunities, and others.

#### Housing Development and Improvement

**Goal: The Decatur-Hamilton area will continue to preserve, enhance, and create satisfying living environments throughout the townships and village.**

Objectives:

- Encourage a variety of available housing options to serve a broad spectrum of preferences and income levels which preserve and enhance the area's rural character and existing neighborhoods.
- Seek to ensure that residential densities in the townships continue to reflect the rural character of the community.
- Encourage the use of development techniques for new housing that promote the rational use of land and the preservation of natural features.
- Stabilize and improve the condition of the current housing stock in the Village.
- Provide opportunities to improve streets, street trees, sidewalks, and other public infrastructure to enhance and strengthen existing neighborhood character in the Village.
- Focus higher density residential development opportunities on improvement or re-development of existing residential areas and development on vacant lots currently existing

- within the village and adjacent to the village limits.
- Coordinate residential development activities to ensure compatibility of land uses.

#### Commercial Development

**Goal: The Decatur-Hamilton area will protect and expand a strong diversified retail base with a focus on meeting the consumer needs of area residents.**

Objectives:

- Provide opportunities to strengthen and enhance locally owned businesses and to encourage them to locate in the Central Business District.
- Provide opportunities to retain and attract appropriately-scaled commercial enterprises that draw patrons from areas outside of the village.
- Coordinate commercial development activities to ensure compatibility of land uses.

#### Technological and Energy Innovation

**Goal: The Decatur-Hamilton area will encourage advances in technology for communications and energy.**

Objectives:

- Continue to expand high speed Internet service options to the area.
- Explore and promote a variety of energy sources that promote clean and renewable energy sources such as wind, solar, etc.

#### Industrial Development

**Goal: The Decatur-Hamilton area will create new industrial opportunities where appropriate that will strengthen the area's tax base and provide new employment opportunities for area residents.**

Objectives:

- Strive for balance between the economic benefits of industrial development and the types and locations of industry that are compatible with the stated community goals and that are consistent with the preferred development pattern.
- Seek opportunities to expand industrial activities near existing industrial activities that would not otherwise impose additional negative impacts on established residential neighborhoods.
- Seek opportunities to expand industrial activities that are based upon the current resources and skills present in the community.
- Coordinate industrial development activities to ensure they can be readily served by public utilities and the transportation network and that they will be compatible with adjoining land uses.
- Create the availability for high speed Internet services to the industries in the village and townships.

### Community Facilities & Services

**Goal: The Decatur-Hamilton area will maintain and enhance existing public facilities and services with a focus on providing high quality and professional facilities and services in an efficient and cost-effective manner, in recognition of the preferred development pattern.**

**Objectives:**

- Ensure that the village's water supply and distribution system and wastewater collection and treatment system maintain adequate capacity to serve the residents and businesses located both in the village and in areas contiguous to the village boundaries, planned for development.
- Evaluate the sufficiency of existing public facilities and the feasibility of rehabilitation, expansion, or replacement where appropriate.
- Investigate the feasibility of a joint police department for Decatur Township, Decatur Village and Hamilton Township.
- Increase overall public safety by investigating the feasibility and best practices for a joint public safety department.

### Transportation

**Goal: The Decatur-Hamilton area will maintain and enhance the transportation system in a manner that will effectively serve the community's preferred development pattern and provide residents with safe and efficient linkages within the community and to the broader region.**

**Objectives:**

- Continue routine maintenance and replacement of streets and sidewalks to ensure they continue to provide safe and efficient linkages to the remainder of the community.
- Carefully manage access (driveways) along major roads, particularly commercial access or other generators of high volumes.
- Work with the Van Buren County Road Commission to improve the quality of maintenance on trees bordering roads in the townships.
- Work with the Van Buren County Road Commission in prioritizing improvements to existing roadways, based on safety and availability of funds.
- Prioritize road improvements in the village based on traffic volumes, safety, development pressure, and availability of funds.
- Evaluate alternative transportation methods, including paths, trails, and sidewalks, and pursue their development where appropriate.
- Ensure that new development provide connections (streets, sidewalks, trails, etc) to the existing facilities.
  - Promote use of RideShare Program for school children, carpooling, and use of non-motorized methods of transportation (walking, biking).
  - Promote use of public transportation (Van Buren County Public Transit).
  - Investigate participating in Safe Routes to School efforts.

### Local Government

**Goal: The Decatur-Hamilton area will maintain and enhance the communication and coordination between the Townships and the Village and between the Decatur-Hamilton area and the County and region.**

**Objectives:**

- Continue and enhance the working relationship between the townships and village.
- Strengthen the working relationship with the adjoining townships and the county to better coordinate planning activities.
- Continue to participate in regional initiatives such as the efforts associated with the continued restoration of the Dowagiac River Watershed Project, Paw Paw River Watershed and St. Joseph River Watershed and Meeting the Ecological and Agricultural Needs of the Dowagiac River System (MEANDRS).

### Community Design and Image

**Goal: The Decatur-Hamilton area will continue to protect and enhance the area's unique character with a focus on protecting existing residential neighborhoods, the central business district, and the working landscape found in the rural areas.**

**Objectives:**

- Increase code enforcement efforts to reduce visual blight in residential and business areas and to encourage a higher level of responsible property maintenance and land use.
- Promote the local foods program to community members and civic leaders to ensure that fresh and local produce is being consumed.
- Ensure that area's unique character is enhanced as new developments and buildings are constructed or as re-development occurs, through good development, site, and building design practices.
- Pursue ideas about hotel/motel, bed and breakfast and additional retail stores.
- Promote compact development near the village limits.
- Continue to cooperate to hire and fund a blight enforcement officer that will work for Decatur Township, Hamilton Township and Decatur Village.
- In the zoning ordinance require Low Impact Development techniques to limit the impacts of development on natural and water resources.
- Continue to increase awareness of the natural features in the area, particularly the farmlands, wetlands and the Dowagiac River and the Paw Paw River Watersheds.
- Provide opportunities to improve the design quality of the business areas of the Village.
- Increase awareness of the historical resources present in the community and their contribution to the character of the area.
- Continue to increase awareness of the natural features in the area, particularly the farmlands, wetlands, and the Dowagiac River.



**Goal: The Village of Decatur will develop, adopt, and enforce land use management tools (e.g., zoning) to implement the policies of its land use plan.**

Objectives:

- Update the Village Zoning Ordinance to include regulations that advance home ownership and reduce absentee ownership.
- Develop zoning regulations which promote the sense of place, neighborhood, and community.

#### Parks and Recreation

**Goal: The Decatur-Hamilton area will continue to maintain and enhance the passive and active recreation opportunities in the area with a focus on improved opportunities at existing parks and facilities and additional opportunities in the townships.**

Objectives:

- Develop a joint parks and recreation plan for the area.
- Evaluate the current offerings at the village facilities and investigate the feasibility of rehabilitation, expansion, or replacement, where appropriate.
- Consider creation of a joint parks commission.

#### Diversity

**Goal: The Decatur-Hamilton area will welcome the growing ethnic diversity within the community.**

Objectives:

- Employees and elected officials should attend diversity training on a yearly basis.
- Develop a program in conjunction with the schools that highlights diversity.
- Create a festival that celebrates diversity.

## **Analysis of Alternative Land Use Patterns**

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### **Overview**

To arrive at an idea of how the community would like to see the Decatur-Hamilton area change over time, a preferred development pattern with associated policies and strategies needs to be defined. For the purposes of this plan resources and constraints present in the communities were identified and discussed and three separate and distinct development alternatives were evaluated as part of this process. The following information is presented relative to this process:

### **Resources and Constraints**

The Master Plan and Future Land Use Map for the Decatur-Hamilton area should reflect the patterns of existing uses; in addition this plan must recognize the natural and man-made constraints of the community. Likewise, the Decatur-Hamilton area possesses a number of resources, both natural and man-made which are valuable in a variety of ways including their contribution to the unique character of the communities. The challenge associated with the Master Plan is to identify a development pattern that accomplishes the communities' stated goals and capitalizes on their resources or opportunities in recognition of existing constraints.

### Resources

#### ***Community Neighborhoods***

The Village of Decatur contains several well-established neighborhoods. The strength of this resource lies in its physical, aesthetic, and economic value. Elements such as well-maintained homes, street trees, connectivity to public facilities and business enterprises, all contribute positively to the character and sense of place associated with the Village of Decatur.

#### ***Rural Residential Areas***

Rural residential areas are located throughout Decatur and Hamilton Townships. These areas range from single family homes on large lots to farmhouses located on active farm operations. The strength of this resource lies in its contribution to the local sense of place and in its provision of an alternative form of housing for the Decatur-Hamilton area. Elements such as large lots, abundance of open space, gravel roads and low density all contribute positively to the character and sense of place associated with Decatur-Hamilton Townships.

### ***Farmland***

Large portions of Decatur and Hamilton Townships contain prime soils for agricultural activities. The majority of both townships remain active working landscapes where a variety of agricultural products are raised or grown including hogs, cucumbers, and grapes. The strength of this resource lies both in its economic value and in its contribution to the local sense of place. Employment opportunities and the economic value of the products grown or raised along with the abundance of open space, agricultural buildings, and farm houses are all positive contributions to the Decatur-Hamilton area.

### ***Central Business District***

The central business district in the Village of Decatur, though confronted with challenges including competition, high building maintenance costs, etc., continues to contribute strongly to the Decatur-Hamilton area's economy, unique character, and sense of place. The CBD remains a viable business location for many businesses and plays a pivotal role in the provision of goods and services for residents in the surrounding area.

### ***M-51***

M-51 represents a significant resource for the Decatur-Hamilton area. M-51 provides easy access to Interstate 94 and to US 31/33, which enables local residents to commute to Kalamazoo, South Bend, Indiana, and Benton Harbor for employment and shopping opportunities. M-51 also enables easy access for truck traffic to service the industries and businesses located in Decatur-Hamilton area.

### ***Lakes and Wetlands***

The Decatur-Hamilton area contains numerous lakes, the most notable being Lake of the Woods. Large areas of wetlands are also located throughout the area. The lakes provide recreational opportunities and have historically provided attractive residential development potential. Wetlands contribute positively both to the character of the area as well as to the provision of habitat for a variety of wildlife.

### ***Intergovernmental Cooperation***

The Decatur-Hamilton area benefits from a long history of cooperation among the Village and the Townships. This cooperation has resulted in a strong regional school system, strong fire protection, compatible land use policies, and general cooperative spirit. This cooperation contributes significantly to the quality of life both through the provision of practical services such as that mentioned previously and through contribution to a solid sense of community.

### ***Development and Re-development Potential***

An abundance of vacant land, the availability of urban services, and a cooperative spirit between the village and townships, facilitates a variety of opportunities for new development and re-development of existing properties. Specific opportunities include the downtown area, industrial park and along M-51.

### ***Other Resources***

Other resources of importance in the Decatur-Hamilton area include the local branch of the Van Buren County library, the Decatur-Hamilton School District, and the Village of Decatur Park system.

### **Constraints**

#### ***Loss of farmland***

The loss of farmland either through development or through abandonment is a concern for the Decatur-Hamilton area. Though conversion of some land to non-agricultural activities is expected and appropriate, the loss of prime agricultural lands and family owned and operated farms is disconcerting due to the potential economic impact, loss of future farming opportunities, and a loss of historic development pattern and character. Though the loss of farm land to abandonment does not necessarily result in the loss of open space or the potential for future farming opportunities, it does result in underutilization of an existing resource, which in many cases has taken decades of investment in both time and money to develop.

#### ***Wetlands***

Though wetlands contribute positively to the character of the area, are critical for maintaining water quality and mitigating flooding and provide habitat for a variety of wildlife, they represent a

constraint to development potential. With significant wetland loss already, any remaining wetlands are invaluable. This constraint affects essentially all forms of land use including agricultural activities, residential development, and non-residential development. The abundance of wetlands and poorly drained soils throughout the Decatur-Hamilton area will continue to constrain the development potential of large portions of the area.

#### ***Presence of Incompatible Uses***

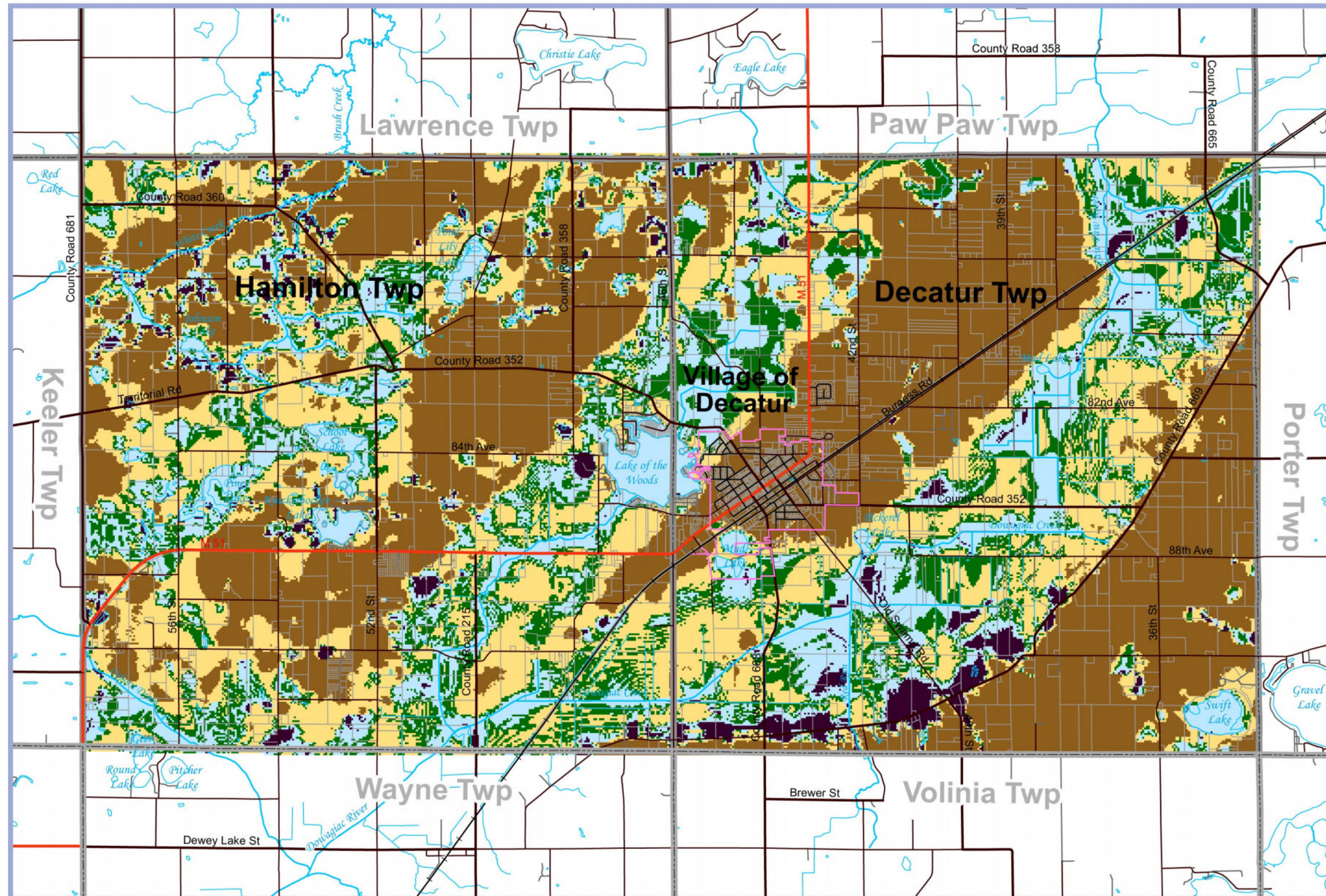
In several locations throughout the area there are land uses adjacent to one another that are not compatible for a variety of reasons, including impact on quality of life and economic value of property. Such incompatible uses may include residential areas adjacent to industrial uses and residential uses adjacent to large farming operations. The Decatur-Hamilton area must address this issue, taking steps to correct previous incidents of such incompatibility and ensuring that future land use does not further such a trend.

#### ***Modest Development Activities***

Many would consider limited development pressure a positive trend. However, if a community ceases to attract new investment and development or re-development, it may suffer. Without such investment, local residents and business people can expect a loss of opportunities, options, and wealth. This new investment need not be in the form of growth and expansion in a manner that results in the loss of open space or the loss of locally owned and operated businesses. Carefully managed growth and development can result in new housing options, increased wealth for area residents, new employment and shopping opportunities, new customer bases for local businesses, and protection of open space and farm land.



# Depth to High Water Table



## Legend

Township

Parcel

## Depth to Water Table

No Data

Water at Surface

1 ft from Surface

2-6 ft from Surface

>6 ft from Surface



0 0.5 1 1.5 Miles

## Data Sources

Base Map and Water Table: Michigan Center for Geographic Information  
Parcel: Van Buren County

Prepared April 2009

**Southwest Michigan Planning Commission**

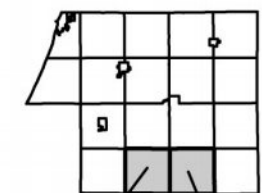
Tel: 269-925-1137

Fax: 269-925-0288

Email: [swmpc@swmpc.org](mailto:swmpc@swmpc.org)

Website: [www.swmpc.org](http://www.swmpc.org)

## Van Buren County

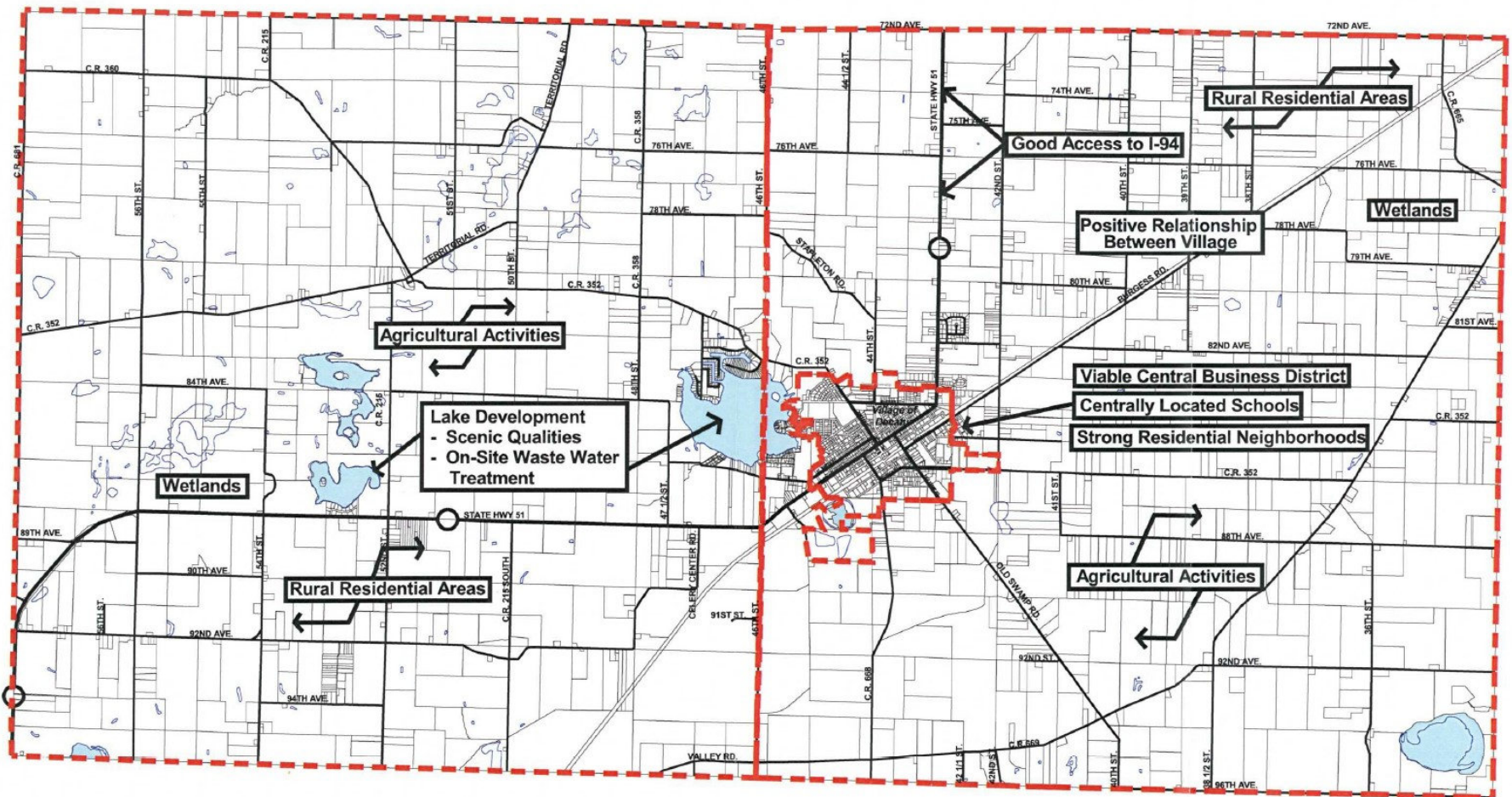


Hamilton Township

Decatur Township



## Hamilton Township, Decatur Township, & Village of Decatur, Michigan



### Resources & Constraints

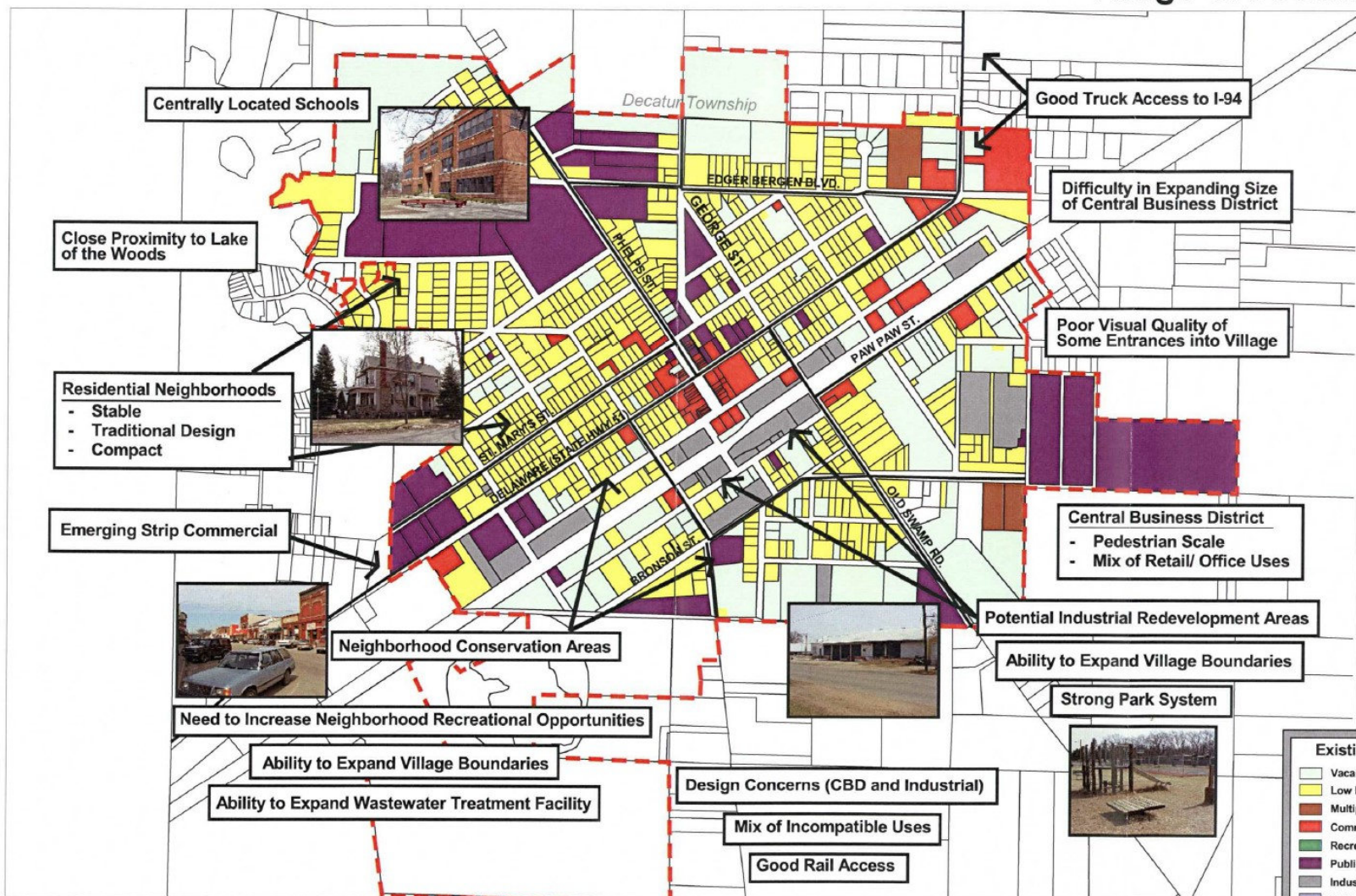
Source: Hamilton Township, Decatur Township, & Village of Decatur, Michigan

0 Ft. 4500 Ft.  
2250 Ft.

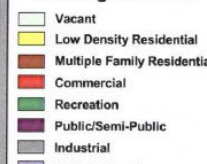


8/2002

## Village of Decatur, Michigan



#### Existing Land Use



Basemap Source: Village of Decatur, Michigan  
Data Source: McKenna Associates, Inc.

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500 Ft.



7/2001

### Resources and Constraints



### **Alternative Development Patterns**

The alternative development patterns analyzed in this plan include development as currently permitted by each community's zoning ordinance, development based on continuation of current trends, and development based on a managed or phased pattern. A build-out analysis was prepared for each of the alternatives, which depicted the ultimate impact associated with each pattern.

The alternatives and the associated build-out analyses were presented to each of the communities to discuss their merits and limitations. A preferred development pattern was identified from this discussion and constitutes the Future Land Use Plan. The following is a brief description of the development alternatives that were considered, their merits and limitations and an overview of the preferred development pattern.

#### **Zoning Build-Out**

The first build-out analysis was based upon the township's and village's current zoning ordinance and corresponding zoning maps. This analysis yields the following information:

##### ***Village of Decatur***

This analysis yields a build-out population of between 2,543 and 5,269, dependent upon the ultimate density of future development. Additionally, the analysis reveals an availability of approximately 3,861,381 square feet or 89 acres of commercial land and 5,555,813 square feet or 128 acres of industrial land.

##### ***Hamilton Township***

This analysis yields a build-out population of approximately 42,279. Additionally, the analysis reveals an availability of approximately 38,250,000 square feet or 878 acres of commercial land and 18,000,000 square feet or 413 acres of industrial land.

##### ***Decatur Township***

This analysis yields a build-out population of between 41,585 and 60,382, dependent upon the ultimate density of future development. Additionally, the analysis reveals an availability of approximately 23,017,978 square feet or 528 acres of commercial land and 17,524,103 square feet or 402 acres of industrial land.

**Summary:**

This development pattern:

- Fails to achieve many of the stated community goals
- Would permit complete development of township as low density residential at full build-out
- Would permit strip commercial development along the entirety of M-51
- Fails to recognize opportunities and constraints present in the community
- Would undermine the village's role as the commercial center for the area
- Would increase the likelihood of land use conflicts
- Would make planned expansion and/or extension of public facilities or services difficult
- Would result in a dramatic change in community character
- Would result in limited restriction on land development

**Current Trends Build-Out**

The second build-out analysis was based upon current development trends in the townships and the village. This analysis yields the following information:

***Village of Decatur***

This analysis yields a population of near 2,000 in 20 years, the availability of 30 to 40 acres of commercial land and 30 to 40 acres of industrial land during the same time period.

***Hamilton Township***

This analysis yields a population of near 2,400 in 20 years, the availability of 150 to 160 acres of commercial land and 100 to 110 acres of industrial land during the same time period.

***Decatur Township***

This analysis yields a population of more than 2,500 in 20 years, the availability of 150 to 160 acres of commercial land and 100 to 110 acres of industrial land during the same time period.

**Summary:**

This development pattern:

- Fails to achieve many of the stated community goals
- Would permit scattered low density single family development throughout the townships
- Would permit scattered commercial activities along M-51
- Fails to recognize opportunities and constraints present in the community
- Would undermine the village's role as the commercial center for the area

- Would increase the likelihood of land use conflicts
- Would make planned expansion and/or extension of public facilities or services difficult
- Would over time, erode the character of the community
- Would result in limited restriction on land development

#### Phased Development Build-Out

The third build-out analysis was based upon a phased development pattern, where future development was both guided and constrained based on natural resource constraints and the extension or lack of public services. This analysis yields the following information:

#### ***Village of Decatur***

This analysis yields a population of between 2,000 and 3,000 in the next 20 years, the availability of 40 acres of commercial land and 80 acres of industrial land during the same time period.

#### ***Hamilton Township***

This analysis yields a population of between 1,800 and 2,500 in the next 20 years, the availability of up to 160 acres of commercial land and up to 110 acres of industrial land during the same time period.

#### ***Decatur Township***

This analysis yields a population of between 2,100 and 3,000 in the next 20 years, the availability of up to 200 acres of commercial land and up to 150 acres of industrial land during the same time period.

#### **Summary:**

This development pattern:

- Would achieve many of the community's stated goals
- Would stimulate managed development and expansion
- Would concentrate new residential development in the Village of Decatur and near its edges
- Would concentrate new commercial development in the Village of Decatur and near its edges
- Acknowledges the opportunities and constraints present in the community
- Strengthens the village's role as the commercial center for the area
- Minimizes the potential for land use conflicts
- Facilitates the planned expansion of public facilities and services

- Reinforces the prevailing character of the area
- Places restrictions on land development

### **Preferred Development Pattern**

Following a thorough review of the alternative development patterns described previously, identifying existing development patterns, recognizing current opportunities and constraints, and developing community goals and objectives a preferred development pattern can be developed and refined. The preferred development pattern that has been identified for the Decatur-Hamilton area contains the following essential elements:

- Future growth and development will be based upon the historical development pattern.
- Intensive development will be focused in the area surrounding the Village of Decatur, on lands with minimal physical constraints and access to public services and utilities.
- The vast majority of lands in Decatur Township and Hamilton Township will remain rural, comprised mainly of active agricultural lands and open space.
- Growth and extension of public utilities will be phased over time in a manner that will encourage a compact development pattern and discourage a sprawling pattern.
- Future growth, economic expansion, and natural resource protection efforts will be stimulated in a managed manner through strategic implementation of development incentives, land use regulations, and capital improvements.

This preferred development pattern is portrayed graphically in the Future Land Use Map and further described in the text accompanying the Map.

## **Future Land Use Plan**

---

### **Overview**

The Master Plan is intended to assist decision makers in ensuring that the future use of land is consistent with the goals of the communities. The Master Plan should act as a guide in evaluating all future development within the Decatur-Hamilton area. Any future changes to the zoning ordinance text and maps of the communities and capital investments by the same should also be evaluated to ensure consistency with the goals, objectives, and preferred development patterns established in this Master Plan.

The Future Land Use Plan has two main objectives. First, it is useful as a means of identification of where certain types of land uses are most appropriate. This is largely accomplished by the Future Land Use Map. Second, it also demonstrates how the proposed land uses will be arranged on a specific piece of property.

The Future Land Use Map and the land use design guidelines are based on a firm understanding of the strategic issues present in the Decatur-Hamilton area, identification and analysis of the existing conditions present in the communities, recognition of the opportunities and constraints present in the communities, and an understanding of the stated community goals and objectives.

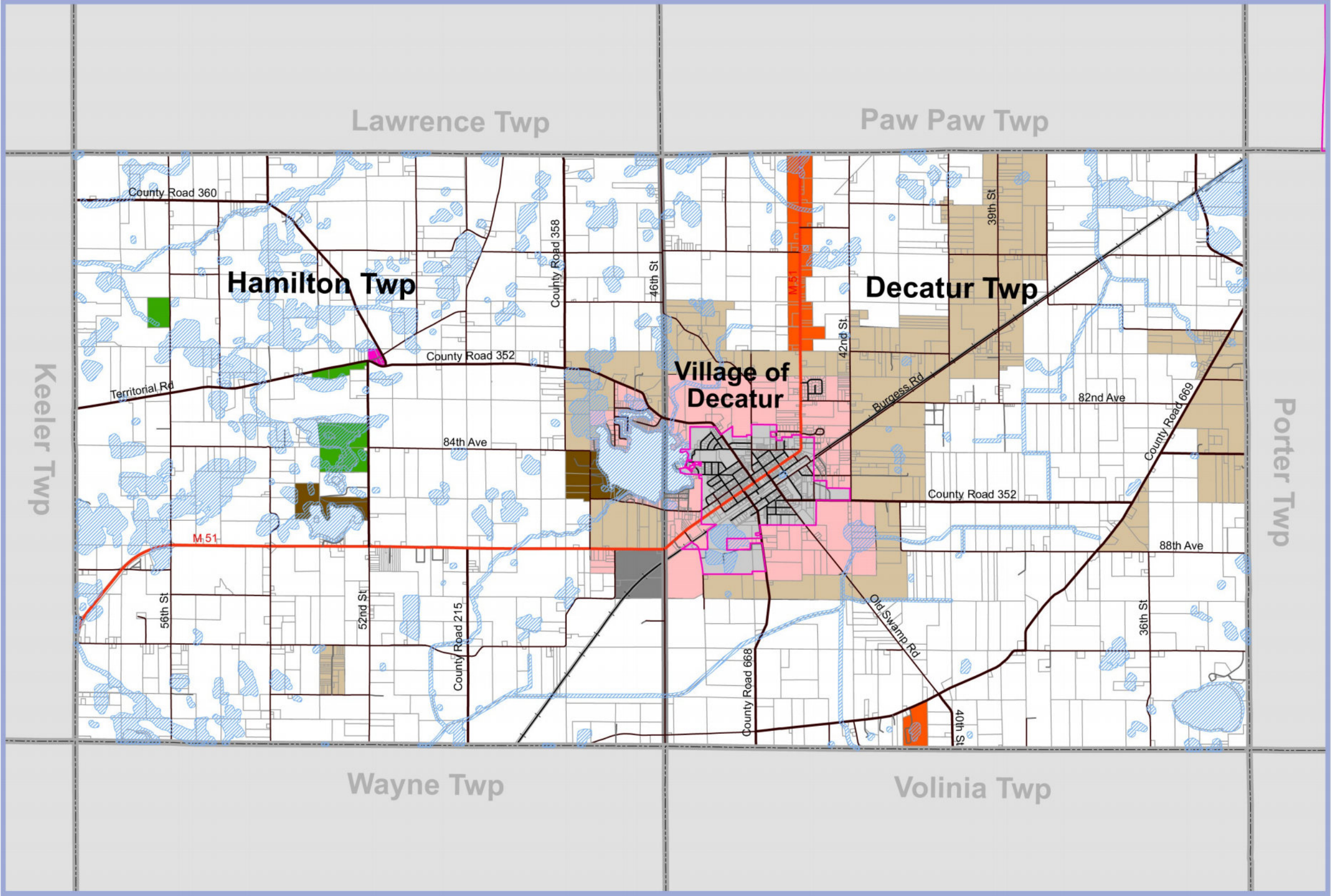
The Future Land Use Map is intended to represent the ultimate build-out for the Decatur-Hamilton area. In order for the communities to protect their rural character and the economic viability of the Village, it is necessary to define the extent of the intensely developed area which, if not constrained could undermine these fundamental goals for the area. While it will likely take a considerable amount of time for the communities to reach this ultimate build-out, by identifying the extent of development now, tools and techniques can be developed or expanded which will insure any area developed in the future will be utilized in accordance with the Master Plan.

The Future Land Use Plan for the area is comprised of seven land use categories which delineate

areas of the Village of Decatur, Decatur Township, or Hamilton Township for particular types of land uses. There is also a surface water quality overlay district which lies over the other districts and is meant to provide provisions in these sensitive areas to protect water resources. There is also a more detailed future land use map for the Village. The following section describes the characteristics of each land use designation, the methodology for defining the area, and recommendations for implementation.



# Future Land Use



## Legend

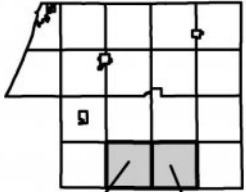
- Surface Water Protection Overlay
- Township
- Parcel
- Future Land Use**
  - Industrial
  - Primary Growth Area
  - Neighborhood Commercial
  - Mixed Use
  - Rural Residential
  - Campground Resort
  - Public Land/Park/Open Space
  - Agriculture Protection Area
  - Not Shown

0 0.5 1 1.5 Miles

**Data Sources**  
Base Map: Michigan Center for Geographic Information  
Parcel and Future Land Use: Van Buren County

Prepared April 2009  
**Southwest Michigan Planning Commission**  
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Website: [www.swmpc.org](http://www.swmpc.org)

## Van Buren County

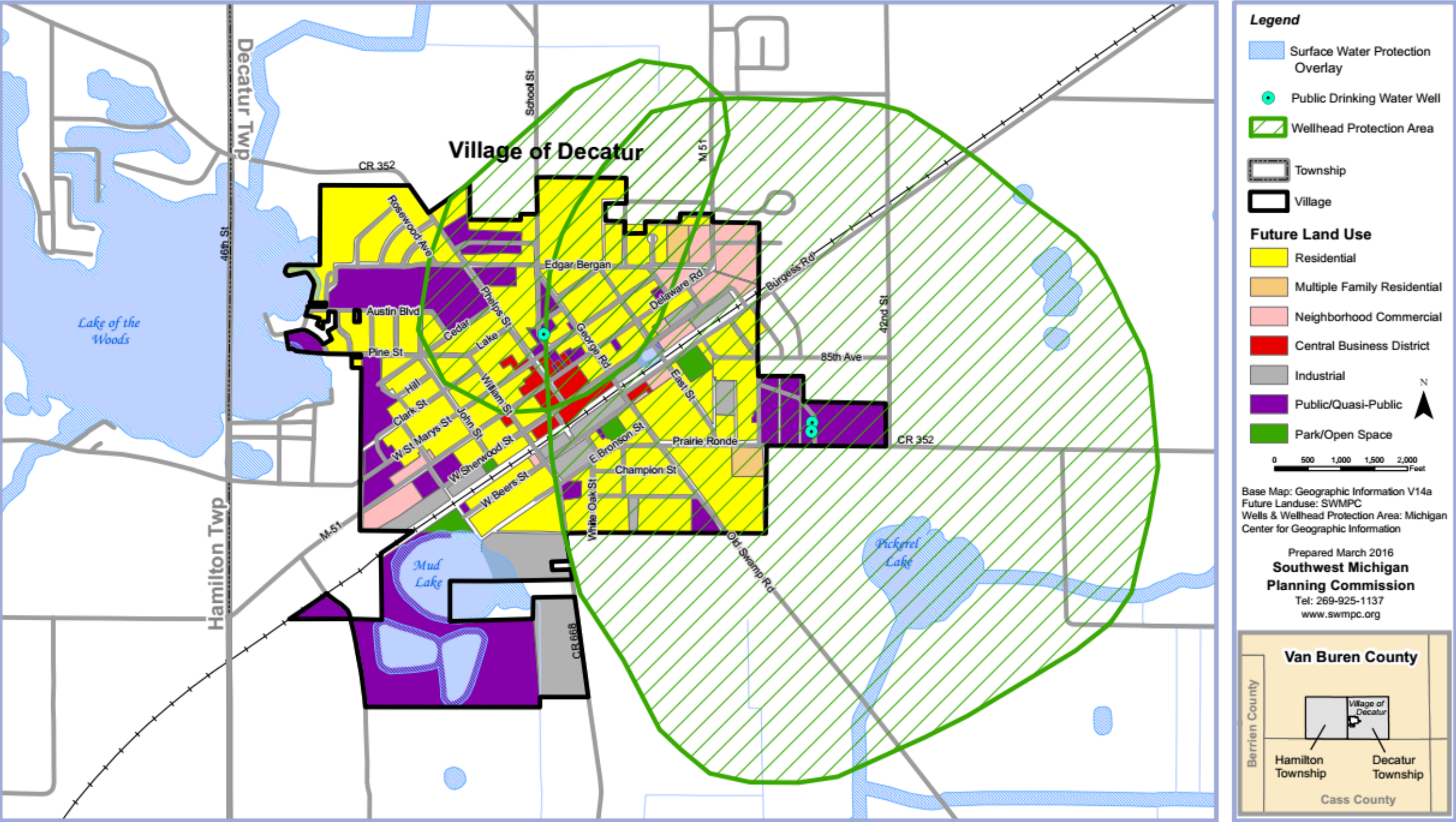


Hamilton Township

Decatur Township



Future Land Use



Decatur-Hamilton Area  
Joint Comprehensive Plan  
Future Land Use Plan

### **Agriculture Protection Area**

A major planned future land use for both Decatur Township and Hamilton Township is agricultural uses, comprising more than 71% of the total area of Decatur Township and 93% of the total area of Hamilton Township. Agricultural lands include farming (the production of crops, livestock, and related goods), orchards, nurseries, vineyards, farmsteads, and other activities directly associated with agriculture. Active agricultural land uses are fundamental to the communities' efforts to preserve the viability of the working landscape and the rural character established in the Decatur-Hamilton area.

The desired density within the agricultural land uses is planned for an average of one dwelling unit for every 10 acres, or four persons per 10 acres. This density is necessary to ensure that densities are low enough to accommodate agricultural uses that can be economically viable and to minimize the potential for conflict between active agricultural operations and residential uses. Individual lot sizes will be dependent upon a variety of variables including current farming practices and soil characteristics. However, 10 acre parcels are not encouraged. Open space or cluster zoning can encourage smaller building sites on parts of a farm which are not conducive to production.

These areas were defined using the following methodology:

- Identification of prime agricultural soils and unique farmland as indicated in the soil survey for Van Buren County compiled by the United States Department of Agriculture.
- Recognition of lands with active farming activities. This information was gathered through use of the land use cover maps created by Western Michigan University based on 1996 aerial photography.
- Identification of large parcels. Parcel size and shape have an important influence on the continued viability of agricultural activities. Large parcels with regular shapes lend themselves more readily to farming activities than do parcels that are small or irregular in shape. Generally, parcels that are 20 or more acres in size can accommodate viable commercial farming activities. This value is increased considerably where such parcels are contiguous to one another to form a "block" of agricultural lands.

- Recognition of lands enrolled in the P.A. 116 Program. In 1974, the Farmland and Open Space Preservation Act, P.A. 116, was enacted by the State of Michigan. This Act allows landowners to enter into a developments right agreement with the state, by which they receive specific tax benefits in return for maintaining their land in agricultural or open space purposes for a specified period of time.

Another characteristic within the agricultural land use is the general lack of “urban” infrastructure that is paved roads and centralized sewer and water. Paved roads often can lead to higher speeds and tend to attract additional development thus increasing the traffic volume. This detracts from the general rural character of the area and negatively impacts agricultural operations. Gravel roads however; tend to reduce speeds and the attractiveness of additional development. Major road improvements should be undertaken in agricultural areas primarily to address safety issues and to ensure access for emergency vehicles. The extension or construction of utilities, particularly water and sewer, has impacts similar to improved roads, which are they tend to attract additional development. Furthermore due to the high costs of building and operating such facilities, the density or total number of homes tends to increase in an effort to spread the costs out among many homeowners. This suburban style development within areas that are currently rural will, overtime erode the existing rural character of the area and make economically viable agriculture more difficult. Water and sewer lines should not be extended into the Agriculture Protection Area unless they are necessary to protect the health, safety, and welfare of the existing residents of the area.

#### Implementation Recommendations

As discussed previously in this plan, the prime agricultural areas are intended to foster an environment conducive to viable agricultural enterprises. The area is to be characterized by large, contiguous blocks of productive agricultural land with limited residential development. As such, development densities in these areas should be kept very low, lot sizes should remain quite large and infrastructure such as paved roads or municipal water and sewer should not be extended to these areas. As development does occur in the area, the townships should take steps to ensure that large, contiguous blocks of productive agricultural lands remain intact and viable. Specific techniques in

the zoning ordinance will help to accomplish this. Two zoning options should be considered - exclusive agricultural zoning or sliding scale zoning. In addition, the zoning ordinance should require agricultural buffers between residential and agricultural uses. Further, the Townships should participate in the County's Farmland and Open Space Preservation Program. For more information on the county's program visit [www.vbco.org](http://www.vbco.org).

### 1. Exclusive Agriculture Zoning

Exclusive agricultural zoning is an alternative to sliding scale zoning and is useful to limit the amount of non-farm development in agricultural protection areas. This type of zoning avoids the problem of leapfrog development. Development is also kept at a distance limiting potential conflicts between farms and nonfarm neighbors. The goal is to balance the long-term protection of farmland with some nonfarm development. The minimum parcel size in exclusive agricultural zones is usually set at 40 acres. The owners of land in the exclusive agricultural district are allowed to build additional dwelling units that serve as places of residence for owners and employees of farm operation or for family members. Currently Wayne Township in Cass County utilizes exclusive agricultural zoning.

### 2. Sliding Scale Zoning

Sliding scale zoning limits the number of times that a parent parcel (a parcel existing on the date of ordinance adoption) can be split, based on its size, i.e., the larger the parcel the more splits that may occur, up to a maximum number established (as shown on the example chart). A larger minimum parcel size is also established.

Sliding Scale (Example)	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
10.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
over 320.1 acres	7

Unlike exclusive use zoning, sliding scale zoning allows some non-farm residential development without a special land use or other reviews. Sliding scale zoning can be useful in agricultural areas where there are significant development pressures and land speculation. The use of sliding scale zoning is most effective in areas where a wide range of

parcel sizes exist and non-farm residential development has already begun to occur.

Minimum and maximum building lot sizes can be used to encourage the location of non-farm development on less productive farmland and/or in areas where development is more concentrated to direct growth onto already fragmented land. The use of buffer areas (see later discussion) is highly recommended to avoid land use conflicts between new residential development and agriculture fields. Since this method does permit some use of land for non-agricultural uses, it allows communities to more effectively avoid a claim that land has been "taken" without compensation.

### 3. Agriculture Buffers

Balancing the need to continue agricultural practices and the desire to develop land for non-agricultural purposes can be challenging. Buffers between active agricultural areas and other uses, such as residential development, can help reduce land use conflicts, particularly where residential and agricultural conflicts are occurring with greater frequency. The use of buffers can aid in easing land use conflicts and improving the relationship of agricultural uses and new residents. Agricultural buffers should be used with both options - the exclusive agricultural zoning and the sliding scale zoning.

Buffers are generally imposed on residential developments, rather than on farming operations, principally because the farm was probably the first use in place. Buffers should be sufficiently wide to protect the farming operation from lawn fertilizers, playing children, and other conflicts. At the same time, they cannot be so burdensome as to require excessive land commitments from residential property owners.

Buffers are most effective if a "no-disturb" zone is provided between residential properties and farmland. This requirement should be tied to subdivision, site condominium, planned unit development, or land division approval. It should also be required that the buffer be described in the property deed to alert potential buyers of the need to honor the no-disturb area.



### **Rural Residential**

The rural residential designation for the Decatur-Hamilton area is a low density pattern that is typically planned for areas outside of the village and not part of either the primary growth area or the agriculture protection area. The rural residential land use is planned to occupy approximately 18% of the total land area in Decatur Township and 3% of the land area in Hamilton Township.

The desired density within the rural residential area is planned for no more than one dwelling unit for every acre (1DU/Acre). However, some of the soils in the rural residential areas may not be able to sustain an operational septic system. If this is the case, larger parcels may be required. The use of open space developments is highly encouraged in the rural residential areas to maintain the rural character and to preserve the natural features. Further, open space developments could ensure adequate buffers are in place between farming operations and residential areas. Individual lot sizes will be dependent upon a variety of variables including natural features and ability to treat wastewater.

These areas were defined using the following methodology:

- Identification of lands located adjacent to the primary growth areas.
- Identification of transition areas between the agriculture protection and primary growth areas.
- Identification of areas where most parcel sizes varied and are already too small to sustain farming operations.

### **Implementation Recommendations**

The Rural Residential Areas are intended to accommodate development at a low density and in a manner that retains the rural character of the area. As such, those features that contribute to the rural character of the area must be protected. These features include large areas of open space, wetlands, woodlots, etc. Specific guidelines, requirements, standards, and incentives should be established that will assist in ensuring that these features remain protected through the use of open space developments.

Clustering of home sites and the permanent protection of rural character features is the preferred method of fulfilling the preferred development pattern for these areas. The Townships should take steps to ensure that the rural character remains intact. Further, low impact development techniques should be encouraged to protect water quality and natural features. Rural residential areas will serve as an area of transition between the higher density development located in the Village of Decatur and agriculture protection areas.

### **Campground/Resort**

Approximately 233 acres or 1% of the total land area of Hamilton Township is planned for campground/resort. This district is intended to preserve and enhance the water and scenic quality of the lakes and wildlife found in Decatur and Hamilton Townships, the investment in lake property, the quality of lakefront living, and the natural environment.

These areas were defined using the following methodology:

- Existing pockets of this designation were already established on zoning maps

### **Implementation Recommendations**

These areas should be developed in a manner that protects the natural and water features associated with these developments. Low Impact Development techniques should be utilized to protect water quality and natural features.

### **Public Land/Park/Open Space**

Approximately 234 acres or about 1% of the total land area of Hamilton Township and 200 acres in Decatur Village (about 29% of the total Village land area) is planned for public facilities, parks and open space. This designation documents where the area parks/open spaces, government offices, schools and public facilities are located. This includes active recreational uses such as athletic fields, playgrounds, trails, and swimming as well as areas for more passive activities such as bird and wildlife watching, relaxing and enjoying views. These passive activities also promote the protection of open space, significant views and natural areas.

These areas were defined using the following methodology:

- Identification of areas in public ownership.
- Identification of areas close to high density residential areas to ensure that people of all ages have access to this type of land within a short walking or driving distance.
- Identification of large blocks of natural areas to encourage the permanent preservation of these areas.

### Implementation Recommendations

Recreational facilities need not have access to urban infrastructure, indeed in many instances they benefit from a lack of such services, contributing to their natural appeal. However, in instances where active facilities are proposed, they are best located in close proximity to concentrations of the population to accommodate easy access by local residents and to both strengthen the role of the Village and preserve the agricultural character of the rural areas.

Parks should be placed and designed with respect to their intended purpose. For example, neighborhood parks should be intertwined into the fabric of the various neighborhoods in the area. Such parks should be modest in size, accessible on foot or by bicycle, and offer close to home recreational opportunities. Community or regional parks, however may be located on the edge of neighborhoods, should be large enough to accommodate a diversity of uses and features, and may be accessed by pedestrians, on bicycles, or in an automobile.

The steps that the village and townships may consider in further protection of open spaces include:

1. Acquisition by the village or township.
2. Dedication of open space or recreation area by developers.
3. Establishment of development regulations to include incentives for providing recreational areas in a development,
4. Requirements for open space and parks in Planned Unit Developments.
5. Working with landowners and land trusts, such as the Southwest Michigan Land Conservancy, to place easements on properties with significant natural features.

Due to their more rural nature and lower population densities, it is neither appropriate nor is it necessary to expect each neighborhood within Decatur and Hamilton Townships to have direct access to designated recreational open space. However, access to such opportunities, within a reasonable distance is necessary. The central location of the village and its facilities addresses many of the recreational needs of the townships, however portions of the townships remain a considerable distance away from any facilities and they can only be reached by automobile. Opportunities exist within the townships for the provision of additional special purpose parks or community parks. Specific opportunities include greenway development along creeks, development of a community park in the vicinity of the Hamilton Township Hall, acquisition of land for wildlife viewing, hiking, hunting, etc.

### **Primary Growth Area**

Approximately 1636 acres (7%) of land in Decatur Township and 233 acres (1%) of land in Hamilton Township is planned for the Primary Growth Area. The Primary Growth Area is intended to accommodate development at urban densities and in a manner that reinforces the traditional development characteristics present in the Village. These characteristics include sidewalks, a grid or interconnected street pattern, street trees, modest lot sizes, a diversity of architectural styles, etc. The primary growth area incorporates residential multiple family residential, manufactured housing communities, neighborhood commercial, central business district, commercial and industrial districts which are described below.

Manufactured housing communities, (previously referred to as mobile home parks) are likely to have densities slightly higher than five units per acre. However, if site characteristics, transportation accessibility availability of public infrastructure and services, and land use compatibility are found to support such development, it is within the primary growth area that manufactured housing communities could be located. The Plan does not identify particular sites for manufactured housing developments. It provides development guidelines for locating housing developments of a moderately high density.

These areas were defined using the following methodology:

- Identification of lands on the fringe of the Village that are either served or could easily be served by municipal sewer and water.

### Implementation Recommendations

Specific guidelines, requirements, standards, and incentives should be established that will assist in ensuring that the characteristics of traditional neighborhoods are respected and complemented.

The village and townships should take steps to ensure that these characteristics are reinforced. These steps can include:

1. Revision of ordinances to include site plan review, alternative design options (PUD, etc)
2. Adoption of form based zoning codes

#### A. Residential

Approximately 376 acres or 54% of the total land area of the Village of Decatur is designated for Residential. It is anticipated that the primary growth areas will accommodate the majority of residences in the Decatur-Hamilton area as well as offer the greatest diversity in housing types and costs. These areas are characterized by a high level of urban infrastructure and services as well as a high level of accessibility to employment and shopping opportunities. Generally, it is favorable to have urban services in these areas, as the potential for failure of on-site wastewater treatment is high as is the potential for contamination of drinking water in areas of such density. Likewise, the overall density often necessitates the presence of paved roadways to accommodate the number of vehicle trips associated with such areas.

The desired density within the growth areas and the Village of Decatur is planned for two to five dwelling units per acre. This density capitalizes on the existing and planned public infrastructure and services, and provides opportunities to offer a variety of housing styles and prices.

Individual lot sizes will be dependent upon a variety of variables including current development pattern, presence of natural features, and adequacy of public infrastructure.

### Implementation Recommendations

These areas should have the following characteristics:

1. Diverse housing options
2. Neighborhoods should be compact and walkable
3. Neighborhoods should have clearly defined edges and be connected to well-defined centers
4. Pedestrian access throughout the neighborhood and connecting to the center should be a priority
5. Use of previously documented neighborhood delineations, such as that in any previous Master Plans or as devised by the Village for other purposes.

#### B. Multiple-Family Residential

Approximately 8 acres or 1.2% of the total land area in the Village is planned for multiple-family residential. The principal use is for two-family and multi-family dwellings; single family dwellings are also permitted. Recommended uses within Multi-Family Residential areas include a variety of multiple-family developments such as apartments, loft apartments, duplexes, townhouses, condominiums, stacked condominiums, and elderly and assisted-use housing.

### Implementation Recommendations

These areas should provide a diverse housing stock to meet the needs of various types of housing demands. A wide spectrum of housing options will accommodate people of a range of incomes, ages, and family types in each neighborhood. The majority of Multi-Family Residential sites in the Village have already been developed. Zoning ordinances related to the redevelopment of these Multi-Family Residential areas should encourage design diversity and modernization while assuring that the building's mass remains relatively in character with the neighborhood's bulk characteristics

#### C. Neighborhood Commercial

Approximately 15 acres (0.1%) of the total land area of Hamilton Township and 34 acres (5%) of the total land area of the Village is planned for neighborhood commercial. There is a small



neighborhood commercial area in Hamilton Township at the intersection of Territorial and County Road 215. The principal use is to provide a wide variety of retail opportunities (including those often found in Commercial districts) such as, office space, parking, and personal business services of all kinds typically found in a traditional downtown setting satisfying the needs of residents in the community and outlying areas. Some retail commercial uses typically found in Commercial districts may also be compatible with this classification. This classification allows and encourages the mix of residential and commercial uses. Consideration of pedestrian and non-motorized traffic in these areas is critical in development decisions. The cohesive appearance of buildings in the downtown area and those in outlying commercial areas greatly maximizes the appeal and vitality of the Village as a whole as does the capability for pedestrian connectivity between residential and commercial areas.

#### Implementation Recommendations

These areas should provide for small commercial businesses that would fit within a residential setting and be a transition between the centralized business district and the residential areas. The following characteristics should be encouraged in these areas:

- Neighborhoods should be compact and walkable.
- Neighborhoods should have clearly defined edges and be connected to well-defined centers.
- Community centers should be typically no more than one-quarter of a mile or five minute walk from the neighborhoods.
- Pedestrian access throughout the neighborhood and connecting to the center should be a priority.
- A diverse mix of residences, shops, schools, workplaces, and parks should occur in close proximity to one another.

#### D. Central Business District

Approximately 17 acres or 2.5% of the total land area of the Village is planned for the central business district. The Central Business District is intended to promote efficient and livable forms of development in the downtown core of the Village. With attractive and inviting patterns of

development along and off of the main streets, higher density residential and commercial uses here allow for a secure and safe living and shopping environment. This land use designation is meant to serve the planning area communities with goods and services while developing in accord with the surrounding residential and residually mixed neighborhoods. Finally, this district is meant to serve as a social gathering place for area residents, as the Village Hall and the Van Buren District Library are all located here. Access to downtown for residents is provided via connector streets. The key to distinguishing the Central Business District from the other land use classifications in the Village of Decatur is the high-density mixed uses of residential and commercial. Planned uses in this district include, but are not limited to, commercial, office, entertainment, civic, high-density residential, and pocket parks. Industrial uses are to be discouraged in the Central Business District, as they may generate impacts that conflict with the residential, commercial and recreational uses.

The majority of planned commercial uses are located in the Village of Decatur or immediately adjacent to the Village. The majority of the uses are intended to serve the daily shopping needs of local residents. This would include the provision of such items as groceries, pharmacies, restaurants, car washes, Laundromats, department stores and auto repair. These uses are intended to be accommodated in the central business district in the village or are to be accommodated in compact developments near the village. This development pattern is designed to accommodate arrival of patrons either in personal vehicles or on foot and ensuring that the normal associated impacts (traffic generation, noise, etc), are minimized as much as practical.

#### Implementation Recommendations

Commercial areas should be designed to interact in a positive manner with both existing and future residential neighborhoods and to reinforce the historic role of the village as the center of commerce for the area. Typical commercial developments create strip development along major roads with unimaginative architecture and a limited life span. Through the encouragement of commercial development that utilizes small building footprints, small gross floor areas, classic architectural details and site placement, the Decatur-Hamilton area can take positive steps toward ensuring that

new commercial development adds to the quality and character of the area rather than detracts from it. Commercial development within these areas should also be designed in a manner to enhance the local street network currently in place. As such, connections between existing and future residential areas and commercial areas would reduce the traffic impact that such developments would have as well as increasing accessibility for local residents. Care should also be exercised in the management of access along primary roads, which are intended to carry large volumes of traffic. The use of shared access, access from secondary roads, and limits on the number of curb cuts are but a few techniques that can be exercised to effectively manage access issues.

Uses should be designed to positively contribute to the character and function of the Village, and should be compatible with adjacent land uses. Specific issues include architectural compatibility, access management, shared parking, etc. Specific guidelines, requirements, standards, and incentives should be established that will assist in ensuring that these issues are addressed in a positive manner. The Village could revise ordinances to include site plan review, development standards, performance measures and access management guidelines to accomplish these characteristics.

#### E. Industrial

Industrial land uses are planned for 159 acres (0.7%) in Hamilton Township and 47 acres (7%) in the Village. Generally, it is proposed that these uses be located in or near the Village of Decatur to take advantage of available public utilities, the existing street network, and available work force in close proximity. However, in some instances it may be appropriate to locate agriculturally related industrial uses, such as processing plants, in areas designated for agricultural protection. Such uses should be located in these areas only if they are necessary due to the proximity of a locally raised or grown product, and should be developed in a way that they do not negatively impact either the ability to continue productive agricultural activities on adjoining properties or adjoining residences.

#### Implementation Recommendations

As in the case of commercial development, it is imperative that industrial uses be developed in a manner that contributes to the overall success and livability of the area. This can be achieved by

placing limitations on the specific types of industrial activities that are permitted, the provision of sufficient buffering and screening between industrial and residential uses, and management of the issues associated with access to the existing transportation system.

The majority of industrial land uses will continue to be located in the village and should be compatible with adjoining land uses. As such, uses should be designed with sufficient buffering and landscaping, should minimize negative impacts in the area, etc. Specific guidelines, requirements, standards, and incentives should be established that will assist in ensuring that these issues are addressed in a positive manner. The Village could revise ordinances to include site plan review, development standards and performance measures.

### **Mixed Use**

Approximately 389 acres or 1.7% of Decatur Township is planned for mixed use development. The density of development in this area will be dependent on the soils and the natural features on the property. Development should be encouraged in nodes or centers and not spread along the entire length of a transportation corridor as that will increase congestion and cause traffic safety issues. The purpose of Mixed-Use is to encourage the development of a compatible mixture of land uses which may include residential, retail, offices, recreational, entertainment, create community centers, integrate gathering places, and to promote long-term viability in the established settlement areas.

### **Implementation Recommendations**

The designation will additionally provide for a land use transition between the settlement areas and the more rural areas of the communities that provide for:

1. A more pedestrian-oriented nonautomotive environment and flexibility in the design of land uses and structures than are provided by single purpose zoning districts, including but not limited to shared parking;
2. The enhancement and preservation of property and structures with historical or architectural merit, unique topographic, landscape or water areas, or other features

- requiring special treatment or protection;
3. Recreation areas that are most accessible to both the planning area's inhabitants and other residents;
  4. Environment that is more conducive to mutual interdependence in terms of living, working, shopping, entertainment and recreation.

Any leap frog development should be discouraged in this district. The development should occur in nodes or centers to create walkable and easily accessible retail/office areas along with residential uses.

### **Transportation**

Local roads, collectors, and arterials will continue to occupy approximately 12% of the total land area in the Decatur-Hamilton area. There are no plans to either build new roads or dramatically increase the width or capacity of existing roads. It is necessary for the village and the townships to regularly monitor the condition of roads in the area. In the Townships, the responsibility of maintaining the roads is with the Michigan Department of Transportation or the Van Buren County Road Commission. The village should continue to provide regular maintenance and upgrades of roads that remain their responsibility.

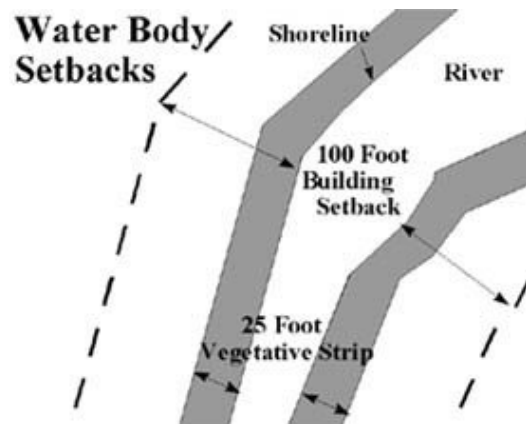
The Village of Decatur has an active railroad that provides extensive shipping of agricultural products for local producers. With so much agricultural production in the surrounding townships, the railroad provides an affordable way to move products. The current goal is for a new railroad spur to hold 60 cars so that commodity products that can be traded and moved quickly and efficiently using the existing transportation networks. One rail spur is currently open which crosses George Street and may eventually split into 4 spurs.

### **Surface Water Quality Protection Overlay/Wellhead Protection Area**

Approximately 3826 acres in Hamilton Township, 1585 acres in Decatur Township and 70 acres in Decatur Village are designated as a water quality protection overlay area. Development and activities in these areas can directly impact the quality of water resources. Overlay zones are special

districts that supplement, but do not replace, the existing applicable zoning regulations. Overlay zones can be used for any number of objectives, ranging from commercial corridor improvement to river protection efforts. Overlay zones are especially useful when an area containing unique opportunities or constraints under several different zoning designations.

Water Quality Overlay District should require vegetated greenbelts around waterbodies and setbacks for buildings. Greenbelts or vegetated buffers are an effective way to address soil erosion and reduce the effects of runoff on surface water quality. The attraction of surface water for residential or other land uses often leads to the desire for additional views to the water by clearing vegetation along streambanks and lake shorelines. This clearing contributes to reduced water quality and may lead to the eventual loss of aesthetic value.



These areas were defined using the following methodology:

- Identification of wetlands and a 100 foot buffer area around wetlands
- Identification of 100 foot buffer along waterbodies (lakes, rivers, and major streams and drains)

### Implementation Recommendations

Important elements of overlay zones for natural resources protection include: protection of vegetation and trees; setbacks from sensitive areas such as wetlands and streams; percentage requirements for open space preservation; and avoidance of critical habitat areas.

Zoning ordinances should include water body setbacks from water





bodies with a portion of the setback areas reserved for a native vegetative strip to filter pollutants and sediment.

Setbacks from inland lakes and streams can be established through the zoning ordinance. Regulations may specify a minimum 100-foot setback for structures and septic systems from the shoreline. Setbacks will generally mirror the minimum requirements of the Natural Rivers Act, which provides a basis for setbacks.

Setback requirements may include the preservation of at least a 25-foot wide native, un-cleared vegetation buffer strip immediately adjacent to the shoreline. Boat storage and dock facilities may also be regulated.

In general, smaller buffers may be adequate when the buffer is in good condition (e.g. dense native vegetation, undisturbed soils), when the water body or resource is of low functional value (highly disturbed, invaded by non-native species such as purple loosestrife), and the adjacent land use has low impact potential (park land or very low density residential development). Larger buffers will provide water quality protection for high impact land uses such as highly developed commercial areas dominated by large parking lots (highly impervious surfaces).



Example:

Building setback for lots, including all appurtenances and accessory buildings, shall be a minimum of 75 feet from the ordinary high watermark on the main stream, north branch and south branch, and 50 feet on all other designated tributaries. The setback may be decreased 1 foot for every 1 foot rise in bank height to a minimum of 60 feet from the ordinary high watermark on the main stream, north branch and south branch, and to a minimum of 40 feet from the ordinary high watermark on all other designated tributaries. Buildings and appurtenances shall be set back not less than 25 feet from the top of a bluff on the non-cutting edge of a stream and not less than

40 feet from the top of a bluff on the cutting edge of a stream. Building shall not take place on land that is subject to flooding.

For additional information on how local governments can protect inland lakes visit - [http://vanburencd.org/wp-content/uploads/2013/10/VBCD\\_InlandLakesBooklet\\_low-res\\_FINAL.pdf](http://vanburencd.org/wp-content/uploads/2013/10/VBCD_InlandLakesBooklet_low-res_FINAL.pdf)

## **Wellhead Protection**

The Village of Decatur and the Townships rely exclusively on groundwater for its drinking water source. In response to the concern over safety of public water supplies, the Village has instituted a Wellhead Protection Program (WHPP). WHPPs develop long-term strategies aimed at protecting community drinking water supplies. The purpose of developing a WHPP is to identify the Wellhead Protection Area (WHPA) and develop long-term strategies aimed at safeguarding the area from contamination. A WHPA is defined as the surface and subsurface areas surrounding a water well or well field, which supplies a public water system, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a 10-year time-of-travel. The State of Michigan requires communities to identify seven elements to be included in the WHPP. These elements along with a brief description are below.

- **Roles and Responsibilities** – Identify individuals responsible for the development, implementation, and long-term maintenance of the local WHPP.
- **WHPA Delineation** – Determine that area which contributes groundwater to the public water supply wells.
- **Contaminant Source Inventory** – Identify known and potential sites of contamination within the WHPA and include in a contaminant source inventory list and map.
- **Management Strategies** – Provide mechanisms which will reduce the risk of existing and potential sources of contamination from reaching the public water supply wells or well field.
- **Contingency Planning** – Develop an effective contingency plan in case of a water supply emergency.

- **Siting of New Wells** – Provide information on existing groundwater availability, the ability of the PWSS to meet present and future demands and the vulnerability of the existing wells to contamination.
- **Public Education and Outreach** – Generate community awareness in the WHPP by focusing on public education and the dissemination of WHPP information.

It is the intent of this Master Plan to encourage protection of the Village's public water supply wells through the establishment of a Wellhead Protection Zoning Ordinance. Within the ordinance, zoning regulations will limit land uses and practices that may degrade groundwater quality within and outside the WHPA.

The most significant sources of water supply contamination are landfills, surface impoundment areas, subsurface percolation from septic tanks and cesspools, open dumps, uncapped or improperly capped abandoned wells, injection wells and underground storage tanks. These uses represent both *point* and *non-point* contamination sources. Point source is the term used to describe contaminants, which originate in the immediate area of the well or tap. All of the above, if located in close proximity to the water supply source, are examples of potential point source polluters. Contaminants from these uses may seep directly down through the soil to the water source.

Non-point source contamination is much more difficult to control because the cause of the problem may actually be located a considerable distance from the well. This type of contamination is caused by pollutants that filter into an underground aquifer and then migrate slowly through the groundwater aquifer to off-site wells and water sources. Prevention of this type of contamination must involve a collective effort on the part of property owners and local officials from a large geographic area. It is the recommendation of this Plan that all existing and future wells be protected from both point and non-point source contamination to the greatest degree possible. It is also the intent of this Plan to recognize the importance of groundwater

protection within the Village of Decatur and the Townships.

The goals from the 2015 Wellhead Protection Plan are as follows:

- Provide the local governmental framework, such as regulations and policies, to prevent groundwater contamination from occurring at businesses and industries which store, use or generate quantities of hazardous wastes in the WHPA.
- Provide for the protection of Decatur's drinking water supply through comprehensive planning provisions for the Village.
- Enhance communication and coordination between local and state agencies on pollution incidents to assure adequate cleanup for natural resource and public health protection.
- Work with local, state and federal agencies to ensure identified contamination sites do not impact groundwater resources.
- Implement a public education program to inform residents, businesses and farmers on the importance of groundwater protection and what they can do to protect their drinking water.
- Establish a WHPA based on the 10 year capture zone identified in the delineation process when new wells are developed (if necessary). The Village will first plan to work with the Michigan Department of Environmental Quality to develop a provisional WHPA.
- Update the inventory and mapping of all potential sources of contamination within the WHPA every six years.
- Monitor existing and future activities within the WHPA that have been identified as potential sources of contamination.
- Maintain an up-to-date emergency response plan for alternative drinking water supplies to help mitigate contamination of the current water supply.
- Site new wells properly to maximize yield and minimize potential contamination.
- Educate property owners within the WHPA to assure that land uses on their property do not threaten the drinking water supply.

# Implementation Strategies

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## Overview

Implementation strategies are an integral component of any master plan. They determine how the Plan's guidelines and recommendations are to be put into practice and become reality. To implement the goals and objectives provided in this plan and to achieve the preferred development alternative, it will be necessary for leadership of each of the communities to be forward thinking and committed. The following strategies may be used as individual efforts or combined with others to achieve the desired results. Likewise, one community may find a particular strategy more appropriate than another. The key is to define those strategies, which will best implement the master plan at any given time, under specific circumstances, and to then proceed with those strategies.

## Public Information and Education

A successful master plan must educate the citizens of the community on both the goals for each of the communities and the individual regulatory and incentive measures that are needed to actually implement the plan and realize the stated goals. An informed and involved citizenry can then offer its support and assistance in working toward the community they desire to have in the future.

An example of appropriate public information and education is in educating the public in the importance of natural features to the preservation of both rural character and a healthy environment. Through such efforts, the local government is far more likely to initiate efforts for wetlands protection, woodlands protection, etc. Offering information to the public concerning the benefits of natural features and ways that they can effectively utilize their property, gives citizens the opportunity to make informed decisions regarding new incentives, regulations, or standards. The following outlines examples of programs that can be undertaken to help inform the public about important land use goals and implementation techniques:

## Condensed Version of the Future Land Use Plan

Few community members will likely take the time to read a large comprehensive document. However, a reduced version of the plan, focusing on the issues, community goals, and the

implementation program could make an attractive alternative. This condensed plan could be distributed directly to residents and business owners. Additional copies could be made available at the various community buildings throughout the area.

#### Informational Brochures

A series of informational brochures on various topics important to the village and townships could be developed. A starting point could be the development of such brochures relative to the strategic issues identified in the plan. The purpose of these brochures would be to further educate and inform local residents and business owners about a specific topic and about the possible actions relative to that topic. These brochures could be distributed directly to residents and business owners. Additional copies could be made available at the various community buildings throughout the area.

#### Programs in the School System Concerning Land Use Issues

A series of informational programs or activities could be developed that introduce land use issues and alternative solutions to area students. Regional and national planning organizations have several programs that would prove valuable in such efforts.

#### Regular Informational Sessions Conducted by the Village Council and the Township Boards

The plan should be an active document that is continually reviewed and updated where necessary. An annual joint meeting among the three communities involved in the development of the plan should be held to discuss the progress of the plan and identify any areas where adjustments may need to be made.

#### Community Surveys

Each of the communities may wish to conduct regular community surveys that seek to monitor the community's attitudes and priorities, looking for any changes. These surveys can be conducted in a variety of ways including mail-back surveys sent directly to all residents, telephone surveys, or surveys inserted in the local newspaper.



### **Public Policy and Administrative Action**

A successful master plan identifies the general policies of the community regarding future growth and development. More specific policies and administrative actions must be identified and developed that will ensure implementation of this community vision. Such efforts will serve to move the planning process from the discussion stage to the action stage.

The following outlines examples of policy and administrative actions that can be undertaken in an effort to implement the plan:

#### Continued Cooperation Between Units of Government

A strength that the Decatur-Hamilton area possesses is its willingness for the townships and village to plan and work in a coordinated and cooperative manner. Steps should be taken to ensure that this cooperation is maintained and enhanced. Further, this spirit of cooperation should be broadened to include involvement of county, regional, and state governments and organizations.

#### Establishing Priorities

The Master Plan contains a number of recommendations and policy guidance. Within the Decatur-Hamilton area, there are limited resources in terms of staff, volunteer time, and funds to implement all of the recommendations simultaneously. Consequently, a process for establishing priorities must be established. The Action Program that follows this section sets the groundwork for this effort, but a more detailed process must be undertaken as soon as possible after adoption of the plan. Participants involved in setting priorities should include village and township staff, the planning commissions, village council and township board members, business owners, and other appropriate stakeholders. It is recommended that the priorities be reviewed and updated annually to ensure that progress is made.

#### Annexation

Though on occasion, not a popular technique among municipal and township officials, annexation provides an opportunity for the Village to continue to grow and for property owners to receive

municipal services including water and sewer. Generally, it is recommended that extension of a municipality's utility be tied directly with a property owners and townships willingness to allow the property in question to be incorporated into the municipality, either through direct annexation or through the establishment of a P.A. 425 agreement.

#### P.A. 425 Agreement

Public Act 425 of 1984 deals with intergovernmental land transfer for economic development or other projects, in a much less stringent manner than through annexation. Implementation of Act 425 permits the transfer of property from a township to a village or city on a conditional basis, whereby a written contract is entered into between the township and village or city. The act allows two or more units of government to actually share a given land area and tax revenues.

The sharing may involve public services, taxes, and other generated revenue, as provided for by the contract, rather than the all or nothing approach offered by annexation.

#### **Development Controls and Standards**

One of the most influential strategies that can be used to implement a Master Plan is the regulatory measures established by the community to guide future development and land use. These regulations include the zoning ordinance, land division controls, and development standards. However, simply creating and using such regulations is not sufficient to actually implement the master plan. The ordinances must contain specific procedures and techniques that are created to achieve the objectives and eventually the goals, of the future land use plan.

The future land use categories in the Master Plan provide the foundation for evaluating future zoning change requests. Zoning actions that are consistent with the Future Land Use Map usually receive deferential and favorable review, if legally challenged. The Master Plan should always be the principal source of information in the evaluation of zoning change requests.

The village and townships should critically evaluate all ordinances to determine if they effectively

implement the objectives of the master plan in their related areas. Recently the Southwest Michigan Planning Commission reviewed and commented on how well the zoning ordinance protects water quality and natural resources. The following improvements could be made to ensure better protection of the resources in the community.

1. Require naturally vegetated buffers along drainage corridors and wetlands
2. Require water body building setbacks along rivers/drains
3. Enact floodplain protection regulations
4. Require a portion of large parking lots to be planted with vegetation
5. Require stormwater treatment for parking lots
6. Require parking lots islands to be used for retention/infiltration areas
7. Have a maximum on parking space size
8. Have limits on impervious cover and lawn areas in rural areas
9. Require open spaces in PUDs to be consolidated into larger units (contiguous)
10. Implement a zoning technique to limit fragmentation of prime farmland, such as an exclusive agriculture zone
11. Require any new housing development abutting agriculture to put in a landscaping screen and have an adequate setback from agricultural production areas
12. Require the use of native plants in landscaping plans for large developments
13. Require bonds for infrastructure and changes in topography

In addition, the following, in particular should be evaluated to determine their appropriateness for the Decatur-Hamilton area:

#### Subdivision Regulations

Subdivision control ordinances typically require the appropriate design of lots and blocks, subdivision access, and such necessary internal improvements such as streets, drainage, and water and sewer facilities. Such ordinances are possible pursuant to the Land Division Act (Public Act 288 as amended). Though the Act places restrictions on the power of a municipality to approve or reject plats, indicating that a rejection may not be based on any requirement other than those included in the Act, it is generally believed that the Act gives municipalities much greater authority than that typically exercised.

Both townships should consider pursuing the establishment of subdivision regulations in an effort to

increase local review authority and to gain better control over design guidelines. The village should consider amending its current subdivision regulations to better clarify the desired design criteria and standards.

### Zoning Regulations

Zoning is the primary tool used by communities to implement the Master Plan. According to both the City and Village Zoning Act and the zoning ordinance and specific zoning regulations applied to property shall be based upon a plan designed to protect the health, safety, and general welfare of the community.

- **Rezoning to Implement the Master Plan.** The land use classifications on the Future Land Use Map provide the basis for evaluating future changes in zoning. Zoning changes that are consistent with the Future Land Use Map generally receive deferential and favorable judicial review if challenged. The Master Plan should be the principal source of information in the evaluation of all requests to change zoning.
- **Performance Zoning.** Rather than simply regulate development on the basis of dimensional standards, many communities have established performance standards to regulate development based on the permissible effects or impacts of a proposed use. Performance standards should be used to supplement conventional zoning standards for the purposes of regulating such items as noise, dust, vibration, glare and heat, safety hazards, and environmental impacts. Defined standards can be particularly useful in achieving environmental and resource protection goals. If based on a strong body of research, standards can be developed that relate to critical natural resources and environmental areas such as floodplains, wetlands, and groundwater recharge areas.
- **Incentive Zoning.** Incentive zoning allows a developer to alter the dimensional limitations in the zoning ordinance if the developer agrees to fulfill conditions stated in the Ordinance. Incentive zoning should be considered to promote innovative land planning techniques. For example, a “density bonus” can be used as an incentive for residential development that

includes larger areas of useable open space or that includes specific features associated with traditional neighborhood development.

- **Planned Development.** Planned development involves the use of special zoning requirements and review procedures that provide design and regulatory flexibility, so as to encourage innovation in land use planning and design. Planned developments should achieve a higher quality of development than might otherwise be possible. If applied judiciously, an effective zoning technique to achieve development in accordance with the goals and objectives of the Master Plan. Planned developments can be used to encourage rural open space or cluster developments and to facilitate re-development in and around the central business district. Planned developments typically include an incentive component.
- **Overlay Zoning.** Overlay zoning allows the communities to impose a new set of regulations on a special area within an existing zoning district. In an area where an overlay zone is established, the property is placed simultaneously in two zones, and the property may be developed only under the applicable conditions and requirements of both zones. Overlay zoning has been used in other communities to address special conditions and features, such as historic areas, environmentally sensitive areas, and mixed use corridors, without disrupting the underlying zoning plan.

#### Zoning Districts and Permitted Uses

To implement the master plan, it is essential that the placement and regulations within each zoning district (such as permitted uses, setbacks, density, etc) help to further the goals and objectives of the Master Plan. The presence of distinct commercial districts such as central business district, neighborhood business, and general business should be considered to enable location of appropriately scaled business enterprises while limiting the uses and possible conflicts with adjoining uses. Both townships and the village should consider the inclusion of a neighborhood business district to permit small-scale low impact businesses in appropriate areas. Further, the village should consider the creation of a zoning district that permits single-family residences, while

prohibiting two-family or multiple family homes, in an effort to strengthen single-family neighborhoods.

Other considerations should include the creation of manufactured housing districts and the addition of less intense industrial zoning districts to allow placement of less intensive operations in appropriate locations, while not introducing heavy industrial uses that may be incompatible with adjoining uses. A similar evaluation should be conducted relative to the specific permitted and special land uses listed for each zoning district to ensure they are compatible with the goals and objectives of the plan and the specific intent of the zoning district.

### **Public Facility Improvements**

The construction and expansion of public facilities can be one of the most powerful influences in future growth and development. Quite often, development will follow public improvement such as roads and sewers. In a similar manner, re-development can often be stimulated through public improvements and investments. Some of the specific programs and techniques that may be utilized include the following:

#### Capital Improvements Program

Capital programming influences land development decisions. It is the strategic management of such investments and the resulting development pattern that forms a cornerstone of this Master Plan. By properly coordinating utility extensions and other capital improvements with the planning and growth management efforts, the village and townships can more directly control the direction and pace of development. Capital programming should be viewed as more than just an administrative task. Using the Master Plan to identify the location and development desired and the Capital Improvements Program to schedule the provision of services, the townships and village can inform developers when and how development or re-development of particular parcels will be encouraged and the type of development that is sought.



### **Continuous Planning**

A primary role of the Planning Commission is to provide planning recommendations to elected officials. This planning function is a continuous process, which does not terminate upon completion of this plan. Communities are in a constant state of evolution and planning should be an on-going process of identification, adjustment, and resolution of identified concerns, problems, and challenges. To pursue this role to its fullest extent the Planning Commissions should review and update this plan on a regular basis. Furthermore, the Planning Commissions may wish to pursue planning efforts with a more specific focus, such as:

#### Open Space, Parks and Recreation Plan

The village has a 2015-2019 parks and recreation plan; however, the Townships do not have a recreation plan. Forming a joint commission to develop a plan has merit. Such a plan can help identify the current and future recreational needs of the community and identify areas where the communities may be deficient in meeting such needs. Further, the plan can be used to secure financial assistance from a variety of agencies, including the Michigan Department of Natural Resources.

#### Business Development Plan

Expanding employment and shopping opportunities ranked very high on the community surveys and visioning sessions. Such an undertaking can be furthered through the development of a business development plan that has as its central focus, identification of current market conditions and recommendations of how the local community can mobilize its resources to fill market voids. This plan can be used to strategically target capital improvements, efforts at marketing and promotion, and guide future decision-making by the downtown development authority among others.

#### Re-development Plans

Several properties that may offer opportunities for re-development and thus economic expansion may contain a variety of contaminants and may face a variety of other challenges. Undertaking a re-development plan can address such issues and offer solutions that will result in the economic re-use of the property. This plan is often required to secure funds under a variety of state and federal

programs designed to assist in the cleanup of contaminated sites. The Village of Decatur should consider becoming a redevelopment ready community and focus efforts on downtown, the industrial park and along M-51.

[http://www.michiganbusiness.org/cm/Files/Redevelopment\\_Ready\\_Communities/RRC-Best-Practices.pdf](http://www.michiganbusiness.org/cm/Files/Redevelopment_Ready_Communities/RRC-Best-Practices.pdf)

#### Agricultural Preservation

The Master Plan establishes the foundation for agricultural preservation in the community. The goal should be to preserve large contiguous blocks of agricultural lands and should therefore be a coordinated effort with adjoining communities and the county. The Township and Village should ensure that landowners are aware of the County's Purchase of Development Rights program and give guidance on how to participate in the program. The community could consider a dedicated millage to ensure that the local match for the acquisition of easements or fee simple purchases is available.

#### Agricultural Business Development Plan

As in the case of locally owned businesses located within villages and cities on "Main Streets" farmers increasingly face challenges and obstacles in increasing revenue and generating wealth. Such challenges have been met head on in many central business districts with downtown development authorities, tax increment financing, etc. The most successful of these efforts identifies and analyzes its local market, defines market niches, and establishes strategic actions to address these market voids. Similar efforts are often lacking in farming activities. More often local farmers are left "competing" with very large corporate farms, international agribusiness enterprises, and increasingly other farmers located in distant locations elsewhere in the world.

An agricultural business development plan would identify and critically evaluate the capacity of local farms, the products that could be raised, the services that could be offered, the potential markets, and the obstacles to filling apparent market voids. The plan should then establish strategic actions that are to be undertaken by local farmers, organizations positioned to assist farmers, and local units of

government. This plan should move beyond conventional solutions and address issues such as agricultural enterprise zones, value added opportunities, community supported agriculture, agricultural tourism, etc. This plan should be viewed as a complement to the other efforts focused on protecting farmland from encroachment by incompatible uses and the preservation of prime agricultural lands for future farming activities.

## **Action Program**

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The following information is provided to assist the communities of Decatur Township, Hamilton Township, and the Village of Decatur in their initial implementation efforts. The time frame of this action program is three years. It is anticipated that every year this action plan will be reviewed and updated as needed.

### **Action Plan**

As mentioned previously, it is expected that each year the action program will be reviewed at the annual meeting of the Joint Planning Commission to ensure that the implementation program always continues to look at least three years into the future. The action program should be based on the Master Plan and the results of any subsequent planning efforts. In this manner, the long-range vision and goals are established through the planning process and the short-range implementation activities are guided by the Action Program.

Seizing upon the opportunity to continue to the working relationship established in the development of this plan and in recognition of the need for coordination and cooperation in many of the implementation strategies; it is recommended that a permanent steering committee be established. There are a number of ways in which this committee can be operated. It may simply be an informal group with representatives from each of the Planning Commissions, the Township Boards, and the Village Council or it may be more formalized as a “Council of Governments”.

The primary purpose of such a committee will be to keep a unified focus on regional planning issues and on implementation of the joint Master Plan. This committee will serve as the custodian of the regional viewpoint that is stressed in the Master Plan. It is strongly recommended that agreement be reached on the form of such a committee and consensus on its role and membership be achieved prior to implementing any of the recommendations contained in this plan.

**Table 34. Action Plan**

<b>Action</b>	<b>Lead Organization</b>	<b>Potential Funding</b>	<b>End Product / Performance Measure</b>	<b>Occurrence</b>
Ensure updated master plan is available on each community and the county's website	Planning Commissions	None needed	Publicly accessible master plan.	Year 1 (continually updated as needed)
Publish an article in the newspaper about the master plan (include link to plan) and announce an annual joint meeting about the master plan (invite planning commissions, boards/councils)	Planning Commissions, Township Boards, and Village Council	None needed	Informed public (include future land use map, describe main goals, compact development, farmland and natural resources preservation and business retention)  Evaluate progress, revisit priorities, discuss village boundaries and water/sewer expansion plans, evaluate if the master plan needs to be updated. Consensus on Where, When, and How development will occur	Annually (along with joint board meeting in June)
Update Zoning Ordinance (add districts in Master Plan, surface water quality protection overlay district and standards, agricultural zoning technique to reduce fragmentation)	Planning Commissions	General Revenue	Updated Ordinances and Regulations, which are consistent with the Master Plan.	Year 1 and as needed
Develop a Capital Improvement Program (address roads and drains)	Planning Commissions, Township Boards, Village Council	General Revenue	Capital Improvements to be Implemented for the next 1-3 years	Year 1 (annually review and update)

<b>Action</b>	<b>Lead Organization</b>	<b>Potential Funding</b>	<b>End Product / Performance Measure</b>	<b>Occurrence</b>
Continue to support agricultural businesses in the community	Village Council, Township Boards, Chamber of Commerce, DDA, Village Manager	General Revenue	Strategies and programs, such as Farmers Market, to Strengthen Local Agricultural Economy	Year 2 (on-going)
Ensure businesses get support needed and be proactive in business retention	Village Manager, DDA, Chamber of Commerce	General Revenue	Strategies and Programs to Strengthen Downtown Economy	Year 1 (ongoing)
Offer and publicize a suggestion box at the Township and Village Halls	Village Council, Township Boards	General Revenue	Improved communication between public and elected and appointed officials	Year 1
Pursue the attraction and development of the following businesses: hotel, bed and breakfast, and a clothing store.	Village Manager, DDA, Chamber of Commerce, County Economic Development	General Revenue	Program to attract and/or develop key businesses to community.	Year 2
Develop a business incubator.	Village Manager, DDA, Chamber of Commerce, County Economic Development	General Revenue	Program to encourage small business start ups.	Year 3
Develop a joint code enforcement program for Townships and Village	Village Council, Township Boards	General Revenue	A unified code enforcement program	Year 1 (evaluate after Year 2)
Identify Infrastructure Projects and Pursue Funding such as CDBG Funds	Village Manager, Village Council	General Revenue. Special Assessments CDBG	Adequate infrastructure for business retention and attraction	As needed



<b>Action</b>	<b>Lead Organization</b>	<b>Potential Funding</b>	<b>End Product / Performance Measure</b>	<b>Occurrence</b>
Develop a Joint Parks and Recreation Committee (investigate trail projects)	Village Council, Township Boards	General Revenue	A committee which can discuss a joint recreation plan for the Village and Townships. A plan to maintain, expand and fund parks and recreation for the area.	Year 2
Study Feasibility of Joint Public Safety and Code Enforcement Department	Village Council, Village Manager, Township Boards, Police Chief, County Sheriff	General Revenue	A determination if a joint police department is feasible and needed to improve service	Year 2
Identify and Pursue Housing Assistance and Rehabilitation Programs	Planning Commissions, Township Boards, Village Council	General Revenue, CDBG, MSHDA	Eligible Housing Assistance Programs	As needed
Investigate funding options for treatment of wastewater for residents around Lake of Woods	Village Council and Township Boards	General Revenue	Funding opportunities identified	To Be Determined
Ensure the Village is redevelopment ready for the downtown, industrial park and along M-51	Village Manager and Council	General Revenue, DDA	Listed as a Redevelopment Ready Community by the State of Michigan*	As soon as possible

\* <http://www.michiganbusiness.org/cm/files/fact-sheets/redevelopmentreadycommunitiesprogram.pdf?rnd=1464922786730>

Financing options for many of these programs can be found in Appendix 3.

## APPENDIX 1: 2015 Community Survey Results

### Decatur Village, Decatur Township and Hamilton Township Community Survey

**We want your opinions for updating the joint master plan for Decatur Village, Decatur Township and Hamilton Township. Please complete and return this survey by AUGUST 1, 2015.** You can also take this survey on-line at

[www.surveymonkey.com/s/DDHCommunitysurvey](http://www.surveymonkey.com/s/DDHCommunitysurvey).

**I live/own property in** \_\_\_\_ Decatur Township; \_\_\_\_ Decatur Village; \_\_\_\_ Hamilton Township

**I work in** \_\_\_\_ Decatur Township; \_\_\_\_ Decatur Village; \_\_\_\_ Hamilton Township; \_\_\_\_ other

**I own a business in** \_\_\_\_ Decatur Township; \_\_\_\_ Decatur Village; \_\_\_\_ Hamilton Township

**How many years have you and your family resided/owned property in the community?** \_\_\_\_

**How much do you agree or disagree with the following Statements (circle one answer):**

1. Concentrate new business, industry and residential development in or near the village.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

2. Focus on encouraging additional shopping opportunities in the Village.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

3. Focus on encouraging additional employment opportunities in the area.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

4. Recognize farming as an essential economic activity and support voluntary preservation of farmland and open space.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

5. Keep residential densities low in the Township to maintain rural character.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

6. Limit the expansion of municipal sewer and water services to serve only the areas surrounding the Village.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

7. Provide more effective enforcement of codes and ordinances to eliminate blight.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

8. Develop a short and long range plan to prioritize road improvements.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

9. Improve roads to provide bike lanes or paved shoulders for pedestrians and bicyclists.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

10. Ensure neighborhoods in the Village have adequate sidewalks and pedestrian access to downtown, schools and parks.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

11. Develop standards for new development that will protect wetlands, rivers, streams and lakes by reducing polluted runoff.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

12. Expand high speed internet options to the area.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

13. Establish a joint police department that serves Decatur Village, Decatur Township and Hamilton Township.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

14. Improve the signage and landscaping at the entrances to the Village.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

15. Improve the quality of the drinking water supplied by the Village.

1= Strongly Agree    2= Agree    3= No Opinion    4= Disagree    5 = Strongly Disagree

**List specific improvements you would like to see at area parks:**

Firehouse Park on M-51 \_\_\_\_\_

DDA Park at Phelps and St. Mary's Street \_\_\_\_\_  
 Red Woolfe Park \_\_\_\_\_  
 Raider Romp \_\_\_\_\_  
 Village Skate Park \_\_\_\_\_  
 Grange Hall, Hamilton Township \_\_\_\_\_  
 Other Parks/ Recreation Improvements \_\_\_\_\_

**General Comments:** \_\_\_\_\_

## SURVEY RESULTS

### Total Responses 152

#### I live/own property in:

Decatur Township 62 | Hamilton Township 57 | Decatur Village 36 | No answer 2

#### I work in:

Decatur Township 7 | Hamilton Township 10 | Decatur Village 17 | No answer 122

#### I own a business in:

Decatur Township 5 | Hamilton Township 8 | Decatur Village 7 | No answer 132

#### How many years have you and your family resided /owned property in the community?

less than a year 3 | 1-5 years 11 | 6-20 years 26 | more than 20 years 105 | No answer 7

How much do you agree or disagree with the following statements:	1 strongly agree	2 agree	3 no opinion	4 disagree	5 strongly disagree	No answer
11. Develop standards for new development that will protect wetlands, rivers, streams and lakes by reducing polluted runoff.	67	52	16	9	2	6
4. Recognize farming as an essential economic activity and support voluntary preservation of farmland and open space.	66	61	19	0	1	5
3. Focus on encouraging additional employment opportunities in the area.	61	65	16	2	3	5

<b>How much do you agree or disagree with the following statements:</b>	<b>1 strongly agree</b>	<b>2 agree</b>	<b>3 no opinion</b>	<b>4 disagree</b>	<b>5 strongly disagree</b>	<b>No answer</b>
12. Expand high speed internet options to the area.	61	47	32	5	1	6
7. Provide more effective enforcement of codes and ordinances to eliminate blight.	61	44	32	5	5	5
8. Develop a short and long range plan to prioritize road improvements.	53	76	10	3	4	6
2. Focus on encouraging additional shopping opportunities in the Village.	45	68	28	3	3	5
1. Concentrate new business, industry and residential development in or near the village.	45	62	29	7	4	5
10. Ensure neighborhoods in the Village have adequate sidewalks and pedestrian access to downtown, schools and parks.	41	73	22	6	5	5
15. Improve the quality of the drinking water supplied by the Village.	42	43	52	7	2	6
5. Keep residential densities low in the Township to maintain rural character.	34	44	40	23	5	6
13. Establish a joint police department that serves Decatur Village, Decatur Township and Hamilton Township.	32	45	33	22	14	6
6. Limit the expansion of municipal sewer and water services to serve only the areas surrounding the Village.	29	40	41	24	12	6
9. Improve roads to provide bike lanes or paved shoulders for pedestrians and bicyclists.	28	33	46	16	24	5
14. Improve the signage and landscaping at the entrances to the Village.	20	49	55	17	6	5

## Survey Comments Regarding Parks

### Firehouse Park on M-51

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Decatur-Hamilton Area  
Joint Comprehensive Plan  
Appendix

- 7 - no improvements needed
- 4 - fix tennis courts
- 1 - fix tennis courts or take them out
- 1 - take out tennis/basketball courts
- 2 - improve playground (more swings, more equipment)

Other Comments

It could use some work.  
Landscaping  
no opinion  
children friendly  
Add trees to block the storage buildings

**DDA Park at Phelps and St. Mary's Street**

- 6 - no improvements needed

Other Comments

It could use some work.  
Keep it cleaned and well maintained  
Need less trees  
no opinion  
more welcoming  
Agree  
Improved pavilion

**Red Woolfe Park**

- 6- no improvements needed

Other Comments

Could be made more attractive  
upgrade and keep nice ; put some fill so it will not flood with every rain  
make it more user friendly/policed  
get some one to run concession stand with ice cream. Otherwise its very nice needs up keep.  
This one should look the best of any of them. Its where visitors come to enjoy a day at the lake

More updated playground equipment, larger beach area  
Remove cannon to VFW or downtown park  
Get rid of the fence  
no opinion  
supervision-hangout-strange men right now  
I would like improvements to this park.  
New concession and restrooms

### **Raider Romp**

6 - no improvements needed

#### Other Comments

It could use some work.  
keep it cleaned and well maintained  
Needs upgrade  
Upkeep Clean Bathrooms  
Additional Cleanup  
no opinion  
just for toddlers right now  
wish the bathrooms could be open more  
Needs shade so playground equipment is not too hot to use during the day

### **Village Skate Park**

7 - no improvements needed

2- eliminate

3- waste of money/mistake

#### Other Comments

Landscape  
no opinion

### **Grange Hall, Hamilton Township**

4 - no improvements needed



#### Other Comments

It could use some work  
make it more useful

Already restored open it up free to residents for family gatherings with deposit to leave it clean as they found it.

Development of Stage

Yes

Plow parking area for winter access

This is improving but needs more

no opinion

Develop old race track into a walking/running track

#### **Other Parks/ Recreation Improvements**

5 - no improvements needed

3 - maintenance needed

#### Other Comments

I do not use the parks so am not aware of what may be needed.

Roads and sewers are more important

I appreciate seeing tree and grassy areas

limit the number of parks to two

No tax hikes, try to fund the parks through fundraising

remove big rocks at Lake of the Woods P.A.

Assure there are bikes racks at every park.

#### **General Comments**

- I don't live here i just own the property.

- I will not be returning to Mich.
- Need a volunteer structured program to assist residents to maintain their homes for limited income/disabilities/aging they provide volunteer time in trade for labor if able to.
- The grain elevators in the downtown sky-line is terrible mistake-not charming! Letting the old school stop falling into disrepair.
- Landlords to be more aware of what is happening at their properties and better upkeep.
- In reference to question #4 about focusing on additional employment opportunities in the area: focus on economic development encourage only "triple bottom line" businesses that address environmental, social justice and economics.
- In reference to question #5 encourage small family farms - discourage agribusiness, diversity, decentralize, & localize.
- In reference to question #9 maintenance vs expansion - avoid unnecessary removal of trees and rural character- CR 352.
- Eliminate topless bar.
- Created strict dog regulations and enforce them. Example: fenced/leashed with strong penalties for loose dogs so citizens are safe to walk and bike. Local police should be able to pick up loose dogs.
- Sewer system around Lake of the Woods to improve lake quality and values very important now!
- Get some people in office who care about Decatur Area. Ones who will spend the funds wisely and make the best of the situation at hand. Leave Decatur the rural community it already is.
- When a creek clean up is assess the taxpayers don't maintain if property then it has to be done again. Utilize the jail program of free help.
- \* You were out-of-line to send survey with taxes then expect the tax payers to spend 49 cents to mail it back
- In reference to #8 short & long range plan to prioritize road improvements: people in charge need to spend funds wisely .
- In reference to #10 adequate sidewalks and pedestrian access: The ones in place are not kept up... why add more.
- In reference to #12 expand high speed internet options to the area: the ones in place don't work well...
- In reference to #13 establish a joint police department: never seen them doing a lot!!
- In reference to # 14 improve signage and landscaping: What for? People come to Decatur when they need to. There are not "sights" to see.
- In reference to #15 Improve the quality of drinking water: It is what it is.
- Do more active controlling of drug use and dealings in & around community no matter who's toes get stepped on. Lets not be know as SW Mich drug capitol.
- In reference to #13 about establish a joint police department: They don't do much enforcement work now not easily accessible or bold to handle actual crimes.
- In reference to #14 about improved the signage and landscaping: Perhaps these monies could be used more proficiently.

- Need sewers around lake of the woods.
  - Have the air quality in Decatur Tested/monitored. It has been bad since the corn silos/dryer were constructed.
  - Water and its quality are of utmost importance. Requires better filtering systems on them.
  - In regards to Question #1 on only environmentally safe company's.
  - In regards to question # 15 eliminate the rust in the water supply.
  - Decatur Township is rural. But don't try & take away good farming will take care of itself. Voluntary protection is fine as long as the tax payers don't subsidize preservation.
- No restrictions open space non farm ground, we don't have a problem. Don't put restrictions on building sites.
- On question # 1 Industrial and business yes but not residential development.
  - On question #5 depends how low perhaps minimal lot size = 1.5 acres.
  - A location for the disposal of leaves, grass clippings, and other yard waste in the fall for Decatur township residents.
  - Plating of trees when take out which was wrong.
  - I would like to see less development where trees are torn down. Widening of roads by tearing down trees and developing wooded lots ruins the country atmosphere and the natural beauty.
  - Everything seems in good shape.
  - Protect lake of the woods install sewers
  - The county is moving fast on the internet
  - We need a sewer around the lake of the woods
  - More Eateries
  - The police need to stop the harassment specifically
  - We need road improvements more than we need a bike or pedestrian path
  - Encourage more restaurants
  - I don't use the parks at all so I can't help you with that.
  - I believe village and township leadership are doing a good job!
  - Already paying too high of taxes for poor drinking water, had to buy bottled. Won't even give my pets the water here.
  - Need large clear signs directing semis to Midwest Fasteners
  - I Wendall Tyler don't own this property, I just pay the taxes
  - My taxes have been raised every year
  - Fire permits exemption for those without violations

- Being an absentee land owner affects my answers.
- All need to be maintained and cleaned-especially restrooms regularly.
- Everything seems ok!
- This is such a nice area, we need to focus on sales
- Blight is getting out of hand.
- Try to keep the cost down
- Eliminate blight issues in Decatur & Hamilton Townships.
- It would be nice to have a sidewalk from around the lake to town walking on Territorial & Phelps isn't too safe!
- #7 should be enforced to a greater degree the corner lot next to our property has been an eyesore for years but nothing is done about it.
  - Roadside litter along the southern must end of C.R. 681 is horrible. Can this be cleaned up?
  - Keep the sewer lines in the township
  - Clean up run-down areas in town
  - No other lake within 60 miles closes for 2/3 of the year!!! That park should be usable 365 days. What is with this town & fences??
  - #3 Encourage only "triple bottom-line" business that address environment, social justice, & economics.
  - #4 encourage small family farms discourage agribusinesses.
  - #8 Maintenance good, expansion back avoid unnecessary removal of trees & rural character (CR 352) Small businesses locals want.
  - A few of these I have no opinions one way or the other. I know in Marquette where I am at the moment. They get lots of grants from blight and other things and I am wondering why Decatur can't get more grants and help that is available.
  - In reference to question #18 They carry the standards too far for water protection when they say we can't clean a ditch on our own farm.
  - Question #6 is confusing- does surrounding the village include Hamilton Township if so we strongly agree.
  - The Lake of the Woods is one Decatur best assets. How about a sewer around the lake? Our lake is slowly dying because of all of the septic systems that are leaching into the lake. Don't wait until it is too late to recover.
  - Decatur/Hamilton Township need to improve time of response for ambulance/EMT arrivals at emergency situations neighbor died had to wait 40 minutes to get ambulance to the scene \*\*unacceptable horrible service.
  - In reference to question #7 enforce what codes and ordinances we have.

- The lakes need a sewer system around in reference to question #6
- In reference to question #10 only if grants are there to support sidewalk and pedestrian access to downtown, schools, and parks.
- In reference to question #12 expand high speed inter options to the area only if a grant pays for it.
- We have a great need for a sewer system.
- Make this a clean environment and rural community that has the best internet options to attract the work from home movement.
- Work on drainage after big rain from farm fields and to grow with out chemicals.
- I would like to see sewers on lakeview drive. Also more Stores in town.
- Provide sidewalks on John street to school. It is a major car and pedestrian route but there are no sidewalks.
- You must realize that improvements to infrastructure require initial and forever capital in the form of increased taxes forever. Leave it all alone and keep it simple. Please.
- Sorry, but being new to the area and not having children, my husband and I have yet to see any of the parks Decatur has to offer.
- Let low income people know by mail that they are eligible for commodities, etc . I know many people that done even know and read about it in the paper the following week about how great human services of Decatur is.
- Make paper bags available for leaf pickup
- Enforcement of care of rental homes within the Village and Township has got to improve or our areas (Village & townships) are not going to attract potential home owners & grow in population of productive citizens. People are not encouraged to buy homes within the Village/Township when they see the disrepair, unkept homes as potential neighbors. It is sad for those of us who have nice homes, yards, and continually improve our homes to be surrounded by slum lord homes which we have to call the Village Office to report issues continually. The fact the rental homes only need to be inspected once every 3 years is really ridiculous. We have a beautiful downtown and so many great things happening in comparison to other Villages our size in the county, let's show our pride by cleaning up the rental homes!
- Village of Decatur should become more bike friendly, and look for opportunities to create a more healthy community.
- Eliminate the multitude of 100-125 decibel sirens in the Independence Day Parade.
- Why has old cars been sitting in a yard on Parkhurst for so long?
- The Village sewer system needs to add the Lake of the Woods properties around the lake. This will help preserve one of the key attractions to the area. The recent flooding highlights the need to minimize septic system runoff into the lake. The current sewer system is more than adequate to add lake properties. In fact, the Village population has declined in the last 10 years.

### **Visioning Sessions**

For the 2000 Master Plan, a set of three Community Visioning Meetings were conducted to elicit ideas regarding the Decatur-Hamilton area that were used in the development of a set of goals and objectives that can be further developed into the land use alternatives and future land use patterns developed later in this Plan.

The meetings served as an opportunity for members of the public to voice their opinions, comments, and suggestions on the current status of the Village of Decatur, Decatur Township, and Hamilton Township as well as to provide insight into the community's desired future.



Visioning meetings were held in the morning and evening of March 20<sup>th</sup>, 2001 at the VFW Hall in the Village of Decatur and in the evening of March 20<sup>th</sup> in the Village Hall in Decatur. A total of more than fifty people attended the meetings. Those in attendance at the meetings were divided and seated at tables accommodating four to five people. From these individual tables, the participants were able to ask questions and discuss issues as a small group. Each group was asked for a volunteer for note taking and to speak on behalf of the group during the larger “reporting” session.

Each group was then asked to develop a list of assets, limitations, and strategies relative to the Decatur-Hamilton area. Each group reported these findings, at which time each individual present at the meetings was asked to “vote” for the three issues within each category they felt most important. The votes were then tallied and are highlighted elsewhere in this Plan.

The visioning session is a critical step in the process used to develop an effective land use plan. This section is intended to relate those findings from the visioning sessions that were incorporated into the set of goals and objectives used in the development of the future land use plan contained within this Plan. In addition, the sessions combined with the community surveys represent the primary tools used to include the general public in the discussion regarding future growth and development of the Decatur-Hamilton area.

More significantly, the intent in conducting the visioning sessions was to produce a general consensus on the major issues facing the communities, to generate enthusiasm and support for the planning process and eventual adoption of the village's and townships' future land use plans. Furthermore, the visioning sessions are intended to foster support for the implementation of the Plan's recommendations.

Finally, it is intended that the results of the visioning sessions help to establish an effective mechanism that will help the Village of Decatur, Decatur Township, and Hamilton Township achieve the following:

- Create a sense of “community” among the participants
- Generate participation and interaction between community leaders and citizens
- Facilitate communication and cooperation among community leaders
- Develop a shared “vision” for the community with realistic expectations
- Develop a consensus for future strategies

The following information provides an overview of those issues identified during the Decatur-Hamilton area visioning sessions relative to the assets, opportunities, limitations, threats, future recommendations and strategies, and the level of support generated from the participants for each of the identified issues.

#### Assets and Opportunities

The participants in the visioning sessions were asked to identify and discuss those aspects of the Decatur-Hamilton area they felt were assets and thus represented opportunities within the community. In other words, what issues, activities, facilities, or services do the residents of the communities feel are most important to the quality of life experienced in the Decatur-Hamilton area. After each group completed its list, the findings were reported to the larger group and recorded on a “master list”. Upon completion of the reporting session, each participant was asked to vote for the three items they felt were the most important among those listed. The items considered the most significant assets or strengths in the community were:



- School System
- Parks and Lake of the Woods
- Land Available for Industry
- Local Newspaper
- Open Spaces and Existing Farmland
- Small Town Atmosphere
- Rural Character
- Land Available for Managed Growth

### Limitations and Threats

The participants were asked to identify and discuss those aspects of the Decatur-Hamilton area they felt were limitations present and thus represented potential threats to continued enjoyment of the current quality of life. In other words, what circumstances, problems, lack of services, or desired improvements to existing services or facilities may exist within the communities. As in the case of assets and opportunities, after each group completed its list the findings were reported to the larger group and recorded on a master list. Each participant was asked to vote for the three items they felt were the most significant among those listed. The items considered the most significant limitations

or threats present in the community were:

- Phone Service
- Blight and Lack of Code Enforcement
- Empty Stores
- Lack of Industry and Business Opportunities and Good Wages
- Agricultural Land Property Tax Structure
- Need for Road Improvements
- Loss of Farmland and Open Space
- High Speed Rail and Associated Road Closings

### Strategies and Recommendations

Finally, the participants in the visioning session were asked to identify any strategies that they thought might help capitalize on an asset or strength or that may help overcome a limitation or weakness. The strategies discussed included the following:

- Concentrate new business and industry and new residential development in or near the village. Accomplish both in part through the planned extension of utilities (sewer and water) and by focusing any incentives offered in the areas planned for such growth.
- Take active steps for the protection and preservation of farmland and open spaces, making use of as many tools as possible, while respecting the farmer's property rights and need for flexibility in future land use.
- Actively pursue the enforcement of codes and ordinances and the elimination of blighted conditions. This may be best achieved through the cooperative efforts of all three jurisdictions and a focus on priority areas.
- Take steps to increase awareness in the communities relative to the potential for groundwater contamination. This may be best achieved through aggressive outreach and education efforts and through implementation of the recommendations established in projects such as the Paw Paw, Dowagiac and St. Joseph River Watershed Management Plans.
- Take steps to better understand how the road network is currently used and identify areas where improvements may be appropriate. Then develop a short-range plan (capital improvement program) for road improvements based upon the identified priorities.

## APPENDIX 2. Summary of Conservation Options

### LAND PROTECTION OPTIONS

Land Protection Option	Description	Results	Income Tax Deduction?*	Estate Tax Reduction?*
Conservation easement	Legal agreement between a landowner and a land conservancy or government agency permanently limiting a property's uses.	Important features of the property protected by organization. Owner continues to own, use, and live on land.	Yes	Yes
Outright land donation	Land is donated to the land conservancy.	Organization owns, manages, and protects land.	Yes	Yes
Donation of land by will	Land is specifically designated for donation to the land conservancy.	Organization owns, manages, and protects land.	No	Yes
Donation of remainder interest in land with reserved life estate	Personal residence or farm is donated to the land conservancy, but owner (or others designated) continue to live there, usually until death.	Organization owns remainder interest in the land, but owners (others) continue to live on and manage land during their lifetime subject to a conservation restriction.	Yes	Yes
Bargain sale of land	Land is sold to the land conservancy below fair market value. It provides cash, but may also reduce capital gains tax, and entitle you to an income tax deduction.	Organization owns, manages, and protects land.	Yes	Yes

\*In most cases. The amounts of income tax and estate tax reduction depend on a number of factors. Please consult your own professional tax and/or legal advisor.  
(Adapted from Conservation Options: A Landowner's Guide, published by the Land Trust Alliance and available at the Southwest Michigan Land Conservancy, (269) 324-1600)

### **LAND MANAGEMENT OPTIONS\*\***

<b>Land Management Option</b>	<b>Description</b>	<b>Agreement</b>	<b>Landowner reimbursement</b>
Wildlife Habitat Incentive Program (WHIP)	Provides technical and financial assistance to promote wildlife habitat including corridor, riparian buffer and rare species habitat development	Contracts run for a minimum of 5 years and a maximum of 10 years.	Up to 75% of cost of improvements.
Wetland Reserve Program (WRP)	Assists in restoring active agricultural land to natural wetland condition.	Agreements can be 10-year, 30-year or perpetual.	Up to 75% of cost of improvements or 100% for permanent agreements.
Environmental Quality Incentives Program (EQIP)	Assists in restoring agricultural land to wildlife habitat.	Agreements can last 2-10 years.	Up to 75% of cost of improvements.

\*\*These are just a few of many examples. For more information contact Van Buren Conservation District office at 269-657-4030 x5.

### **APPENDIX 3. Financing Tools**

Successful implementation of the Master Plan will depend greatly on the ability of the Decatur-Hamilton area to secure necessary financing. Besides the general fund, the following sources of revenue may be available:

#### Dedicated Millage

Special millages can be used to generate revenue for specific purposes, such as acquisition of land or easements for open space protection.

#### Special Assessments

Special assessments are compulsory contributions collected from the owners of property benefited by specific public improvements, such as paving and drainage improvements, to defray the costs of such improvements. Special assessments are apportioned according to the assumed benefits to the property affected.

#### Michigan State Housing Development Authority (MSHDA)

The Home Improvement Program provides low interest loans for home improvements through local lending institutions. The Home Improvement Program (HIP) is not targeted to any specific area, and could be utilized throughout the entire planning area. Interest rates are related to income and the property must be twenty years or older or in need of repair. The program is intended to correct items that are hazardous to health and safety or for items related to energy conservation.

- \* Neighborhood Improvement Program. The Neighborhood Improvement Program (NIP) is another home improvement program managed by MSHDA, but is directed toward specific revitalization areas. Loans, with interest rates dependent on income, are made available to homeowners within such areas. The program operates very similarly to the HIP with local lending institutions participating in the program.
- \* Rental Rehabilitation Program. The Rental Rehabilitation Program (RRP) provides funds to rental property owners willing to rent to low and moderate income persons.

The funds must be used for renovation and rehabilitation activities and may be used for freestanding residential buildings as well as the second and third stories of commercial buildings. Restrictions include the income of the tenant, a required funding match by the property owner, and a commitment to rent to low and moderate-income tenants for a period of at least five years.

#### Community Development Block Grant Funds (CDBG)

The Community Development Block Grant program is an annual allocation of the U.S. Department of Housing and Urban Development to local governments for a wide range of community development activities, including housing rehabilitation, public, and neighborhood improvements and economic development activities which primarily benefit low and moderate income persons.

#### Local Development Finance Authority (LDFA), P.A. 281 of 1986

Act 281 is the primary means of making tax increment financing procedures available to assist industrial development. The LDFA Act is targeted toward individual eligible properties, rather than toward a development district, as in the case of a Downtown Development Authority. The village could establish an LDFA board, which would then have the power to plan, build public facilities, acquire land, clear and redevelop land, along with other development powers.

#### Transportation Alternatives Program (TAP)

The Transportation Alternatives Program (TAP) is a competitive grant program that uses federal transportation funds designated by Congress for specific activities that enhance the intermodal transportation system and provide safe alternative transportation options. Locally, this program is administered through the Michigan Department of Transportation with involvement of the local Metropolitan Planning Organization, Southwest Michigan Planning Commission.

#### Rehabilitation Act

Public Act 344 of 1945 is the basic Michigan rehabilitation statute. It provides powers and procedures for local governments to acquire, assemble, and finance the redevelopment of blighted

areas for general rehabilitation purposes.

#### HUD Section 202/8

This is a federally sponsored program, which provides mortgage financing and rent subsidies for the construction and maintenance of elderly housing. Only non-profit, private organizations (such as churches, unions, fraternal, and other similar organizations) are eligible sponsors, but local governments usually cooperate in the assembly of land, applications, public improvements, and supportive actions. Such projects are tax-exempt, but the state rebates an equivalent amount to local tax jurisdictions.

#### Special Assessments

This technique allows for the financing of public improvements, such as roads or streetlights, through the assessing of property taxes, on an equitable basis, to the benefited property owners in a specific district.

#### Shared Credit Rating Program - Michigan Municipal Bond Authority (MMBA)

This program created under Public Act 227 of 1985 offers municipalities the opportunity to take advantage of the state's improved credit rating. Because the MMBA is authorized to issue bonds to make loans to Michigan municipalities through the purchase of municipal obligations, the Authority allows municipalities to borrow funds for their capital and operating needs without going to the expense or trouble of entering the bond market on their own. Many small communities are at a disadvantage when issuing debt in the bond market because they frequently have no bond ratings and potential investors know little about their finances or economy. In addition, some communities tend to borrow infrequently, and in small amounts. Because such debt issues are not particularly attractive to the financial markets, borrowing costs for such communities can be high.

#### Bond Programs

Bonds are one of the principal financing tools used by communities to pay for capital improvements. General obligation bonds are issued for specific community projects and are paid off by the general



public with property tax revenues. Revenue bonds are issued for the construction of projects that generate revenue, such as water and sewer projects. The bonds are then retired using income generated by the project.

#### Tax Increment Financing

The Downtown Development Authority Act and the Local Development Finance Authority Act authorize tax increment financing. When a tax increment district is established, the state equalized value of all properties in the district is recorded. Every year thereafter, the property tax revenue generated by any increase in the total state equalized value is “captured” by the DDA or LDFA to finance the improvements set forth in the development plan. Often revenue bonds are issued to finance the improvements, and the tax increment revenues are used to repay the bonds.

## **APPENDIX 4 – Public Notices and Adoption Resolutions**



## Southwest Michigan Planning Commission

To: The Planning Commissions of Cass County, Van Buren County, Wayne Township, Volinia Township, Keeler Township, Lawrence Township, Paw Paw Township, Porter Township

From: Southwest Michigan Planning Commission (on behalf of Decatur Township, Hamilton Township, Village of Decatur (Van Buren County))

Date: January 19, 2016

Re: Notice of Intent to Plan

Decatur Township, Hamilton Township, and the Village of Decatur are updating their Joint Master Plan. A **Joint Master Plan** is a long range-planning tool used to define the three municipalities' joint vision, goals, and policies. An effective plan accurately communicates citizen needs and desires about their communities and recommends specific strategies to achieve those values.

Decatur Township, Hamilton Township, and the Village of Decatur will welcome your cooperation and comments. As required by law, you will receive a copy of the proposed plan for review and comment. The proposed plan will be provided in electronic format, unless otherwise requested.

Sincerely,

Marcy Hamilton

Senior Planner

376 West Main Street, Suite 130 • Benton Harbor, MI 49022-3651

• 269.925.1137 • 269.925.0288 • [www.swmpc.org](http://www.swmpc.org) • [swmpc@swmpc.org](mailto:swmpc@swmpc.org)

**Planning Commission and Boards/Council**  
**Approve**  
**Distribution of Draft Plan**

**Village of Decatur  
Planning Commission Minutes  
October 20<sup>th</sup>, 2016**

Meeting called to order by Chairman Blaine Rex at 10:00AM.

Roll Call: Gordon Krum, Larry Ralston, Village Manager Aaron Mitchell, Vice Chairman Ali Elwaer, and Chairman Blaine Rex present. Absent: none.

No additions to the agenda.

There were no guests present. Minutes from the June 1<sup>st</sup>, 2015 meeting were read by Chairman Rex. Motion to approve the minutes made by Vice Chairman Elwaer, seconded by G. Krum. All in favor, motion carries.

Chairman Rex opened the meeting. G. Krum makes motion for B. Rex to be commissioned Chairman for 2016-2017 year, seconded by Vice Chairman Elwaer. All in favor, motion carries.

Chairman Rex makes motion for A. Elwaer to be commissioned Vice Chairman for 2016-2017 year, seconded by G. Krum. All in favor, motion carries.

Vice Chairman Elwaer makes motion to add L. Ralston to Planning Commission, seconded by G. Krum. All in favor, motion carries.

Chairman Rex makes motion for L. Ralston to accept 3 year term on Planning Commission, seconded by Vice Chairman Elwaer. All in favor, motion carries.

VM Mitchell updates board on Decatur-Hamilton Master Plan. Motion to approve Distribution Draft made by Vice Chairman Elwaer, seconded by G. Krum. All in favor, motion carries.

Vice Chairman Elwaer makes motion to adjourn at 10:20AM, seconded by G. Krum. All in favor, motion carries.

Respectfully Submitted,

Matthew Newton  
Village Clerk/Treasurer



## **Village of Decatur Regular Council Meeting October 3<sup>rd</sup>, 2016**

Village Council President Wickett called the meeting to order at 7:00 p.m. at the Village Hall followed by the Pledge of Allegiance. Roll call taken: Trustee Richardson, Trustee Mead, Trustee Gunther, Trustee Stull, Trustee Heflin, President Pro-Tem Elwaer, and President Wickett present. Chief of Police Dahlquist, Attorney Matthew Cooper, and 20 visitors were also present.

### **Consent Agenda:**

Trustee Stull makes a motion to accept the agenda as amended to include Approval of Distribution of Draft Plan for Southwest Michigan Planning Commission under Ongoing Business, seconded by Trustee Richardson. All in favor, motion carries.

Trustee Mead makes a motion to accept the September meeting minutes as presented, seconded by Trustee Heflin. All in favor, motion carries.

Trustee Richardson makes a motion to accept the bills as presented totaling \$128,670.24, seconded by Trustee Stull. All in favor, motion carries.

### **Public Participation:**

James Abshagen expresses concern over School St. property. He indicates that he feels no one should've been allowed inside building following the Village taking possession due to liability concerns. President Wickett clarifies that Village does have liability coverage, and that Joel Chapman and Mike Siver were allowed in the building to remove their property, under the supervision of the PD, in an effort to reduce required cleanup and costs to Village. VM Mitchell further clarifies equipment removed was not property of Village and would have no value to the Village. VM Mitchell further clarifies that he verified liability insurance with Meadowbrook Liability.

Rosemary Stull expresses concern over Mike Siver being in Edgar Bergan building again today. She also expresses concern over the fact that School Street property has cost the Village thousands of dollars, and emphasizes the impact she feels it has on those with fixed incomes. She indicates that they had 3 months during the redemption period to remove property and she feels that they should not have been given any extra time. Rosemary states that she personally believes that VM Mitchell must ensure focus is on Village matters and ensure campaign does not take precedence. She also states that cars seem to be speeding and not stopping at stop signs along St. Mary's Street and would like the issue to be addressed.

Charlene Jackson asks about progress made on pavers coming up along sidewalk on Phelps St. VM Mitchell explains that some of the issues were addressed earlier in the day and more work will be completed on any remaining pavers that need attention by the end of next week.

Harvey Beute expresses concern over cars speeding on School St.

Jill Hemenway indicates that between 4PM and 5PM one of the political signs she had placed in her yard was removed by someone. She also expresses displeasure over situation with School St. property and that Mike Siver was in building again today. VM Mitchell clarifies that Mike was allowed to remove an organ that would have otherwise required use of DPW employees to remove. VM Mitchell further clarifies that he is handling a difficult situation in the best manner that he can, and reiterates that no Village property was in the building.

### **Communication:**

Thank you card was received from City of Bangor for the DPW employees that the Village sent to help assist with cleanup efforts from the Tornado that occurred in late August.

F. Proposal to authorize Village to allow for Trick-or-Treating hours on October 31<sup>st</sup> from 5:30PM to 7:00PM. Motion made by Trustee Richardson, seconded by Trustee Gunther. All in favor, motion carries.

G. Proposal to approve Distribution of Draft Plan of Decatur-Hamilton Master Plan for Southwest Michigan Planning Commission. This opens 63-day comment period, after which council will determine if plan is to be accepted. Motion made to approve Distribution of Draft Plan by Trustee Richardson, seconded by Trustee Mead. All in favor, motion carries.

**New Business:**

A. Proposal to allow VM to create document showing Village's approval for "Girls on the Run" event to be held in May of 2017, which is estimated to have 1,000 to 1,500 participants. Final route will be presented at future council meeting. Motion to allow creation of document to show Village's willingness to host event and offer PD assistance with traffic made by President Pro-Tem Elwaer, seconded by Trustee Richardson. All in favor, motion carries.

B. Proposal to approve use of Village Police Officers and DPW workers to assist with Raider Stomp Race in 2017. Race likely to be held on Friday evening instead of Saturday morning to allow greater participation. Motion to approve made by Trustee Mead, seconded by President Pro-Tem Elwaer. All in favor, motion carries.

**Public Participation:**

Mike Makay makes presentation regarding his candidacy for Judge.

James Abshagen raises possibility of utilizing jail crew for sidewalk trimming and future clean out of School St. Property. Also, makes comments that stricter blight ordinance is better for Village. He also states that whole School District should be responsible for issue with School St. property. He also makes comment that Village Council is elected to make these type of decisions rather than running special elections.

**Council Comment:**

President Pro-Tem Elwaer states that all municipalities in School District should have responsibility to address School St. property issue. All should work together to address this issue as a community.

Trustee Richardson commends Chief Dahlquist on progress/performance in PD Department. Trustee Gunther and Trustee Heflin also commend Chief Dahlquist.

**Adjournment:**

President Pro-Tem Elwaer makes a motion to adjourn, seconded by Trustee Mead. All in favor, motion carries at 8:29 PM.

Respectfully Submitted,

Matthew Newton, Village Clerk/Treasurer



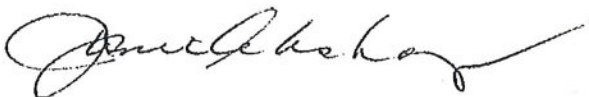
## DECATUR TOWNSHIP PLANNING COMMISSION

The Planning Commission met at the Decatur Township Hall, 103 E. Delaware St. at 7 p.m. on Wednesday, September 7, 2016. All members were present.

The meeting was called to order by Chairman Polomcak.

Agenda item: Joint Comprehensive Plan – update. After a discussion on changes and/or corrections motion to submit the Draft Plan to the Decatur Township Board for approval of the required distribution was made by Sue Polomcak and supported by Nick Siskaninetz. Vote, all yes. P.C. Secretary (Township Clerk) Janet Abshagen will submit this recommendation to the Decatur Township Board at their meeting on Thursday, September 8, 2016. (Upon approval of distribution by the Board, the PC Secretary will notify the SWMPC with a copy of Board minutes. After the distribution to required entities {63 days for them to respond} the Joint Planning Committee will meet if there are any changes and respond to comments received. After this is done the PC will adopt a resolution to hold a public comment period and then plan a public hearing on the plan – public hearing is 83 days after the 63 day review period. It is anticipated that there will be a joint public hearing with all 3 municipalities. A copy of the resolution from each PC will be submitted to SWMPC. Notice will then be published not more than 30 days or less than 20 days before the hearing date – 2<sup>nd</sup> publication not more than 8 days before the hearing date. The Decatur Republican will provide newspaper affidavits. All Commissions and Boards will then pass resolutions to adopt the plan. Copies of all minutes and resolutions are submitted to SWMPC and become part of the Joint Comprehensive Plan.)

Motion by Abshagen and support by Overton to adjourn the meeting at 7:45 p.m.



Janet Abshagen  
Planning Commission Secretary

## DECATUR TOWNSHIP

The regular Township Board meeting was held on Thursday, September 8, 2016 at the Decatur Township Hall. Trustees Roehm and MacKellar were absent (excused) and there were 16 guests.

The minutes from the August 11, 2016 regular meeting and Public Hearing was reviewed and motion to approve them was made by Kusmack and supported by James Abshagen. Vote, all yes.

There was no correspondence nor and public comments at this time. Current bills were read and motion to approve them for payment was made by James Abshagen and supported by Kusmack. Vote, all yes. The Treasurer read his report and motion to accept it was made by Kusmack and supported by Janet Abshagen. Vote, all yes.

Supervisor Kusmack gave his report – 39<sup>th</sup> St. is finished with the shoulder work now done. He attended Road meeting where he stressed CR 352 (SE of the village), CR 668 and CR 669 – all in need of attention soon. Kusmack attended the Supervisor's meeting and made their report. Joint Fire report – building repairs done. Special shooter class will be held at the school on 9/26. Bangor and area First Responders met following the tornado in August to review the tremendous response and make improvements countywide for this type of catastrophic event.

James Abshagen gave the Senior Activities report for 2015-16 and it was a very comprehensive report detailing the numbers of Decatur Township seniors that have been served by the Senior Services. They are now working on the Festival of Trees fundraiser, which is a major fundraiser for them. Annual picnic at the Copper Ridge (Carlsen Farm) that was a tremendous success (275 in attendance) at a wonderful facility (located on 96<sup>th</sup> Ave.). Special thank you to them.

Zoning Administrator/Code Enforcement Officer Tommy Simpson was not present however he reported four Zoning Compliance Permits and the second blight problem went to court and the violator was absent and is held in contempt of court with bench warrant issued.

County Commissioner Don Hanson was present and he gave the County Commissioner report. He advised that there will be a special election in May, 2017 for Jail and Court House massive improvements. He stated they will be seeking .7 mil for a period of 20 years. More information will be forthcoming.

M-51 Rumble Strip: Pete Pfeiffer from MDOT presented background "rumble strip" information, statistics for M-51, reviewed MDOT recommendation for the rumble strips, and showed several slides. He then opened the floor up for questions and discussion. Many of those present were here for this purpose and numerous questions and comments were made. Noise was biggest concern and the effectiveness of the strips

(continued)



Continued (Minutes 9/8/16)

versus this noise was discussed. Roads that currently have rumble strips are breaking up from the center where the strips are cut into the pavement. Normal life of a paved road that was worked on like M-51 is 7 years (1½ inches of asphalt was removed and replaced). The strips would then be cut into this asphalt the entire distance (6 miles) and this work was stopped when the first complaint/concern was submitted by Rajzer Farms. Many more phone calls were then received at MDOT, enough to warrant Mr. Pfeiffer's presence at this meeting. The very high numbers of traffic on this section was discussed, a very large number of this is semi traffic as well as grain vehicles (very large). An average of 6,900 vehicles travel this section of M-51 per day. The concerns regarding the regular maintenance on M-51 in the winter as well as shoulder maintenance year around should be considered as part of the reason for any "crashes", not just the lack of a strip. Cost for the rumble strips is \$30,000 – considered to be a small amount by MDOT. No statistics available for effect on the life of the road because of the moisture freezing and expanding if rumble strips are in place. Several residents present cited accident problems on M-51 was very low shoulder and this causing drivers to loose control and a rumble strip would not have helped them. Comparison to M-51 south of Decatur where traffic is lighter and there are rumble strips in place. Clerk asked for comparison of life of the road, when it was installed and how it is holding up. No input from MDOT on this information. Speed was also listed as the most often reason for accidents, not lack of rumble strips. More speed patrol is needed. After a very lengthy open discussion Supervisor Kusmack asked for a show of hands for either installing the strips or not and three people raised their hand for installing the strips (all 3 do not live on M-51), and the remaining guests all voted NO. Mr. Pfeiffer stated that MDOT would make a decision on the strips very soon with rented extra equipment still in place as a daily expense. The feelings of the public at this meeting are important to him. The Board's opinion is also very important. A Resolution was suggested by James Abshagen and he made a motion to adopt it. Supported by Kusmack. Roll call vote, all yes. Clerk Abshagen will prepare the Resolution and fax it to MDOT on Friday. Supervisor Kusmack thanked Pete for all the information he presented and asked that our feelings please be highly considered when MDOT determines whether or not to install the strips. Question of whether liability would be an issue if no rumble strips are installed was asked and this was discussed. Risk was discussed at length also.

Political Candidate Introductions: Township Clerk Janet Abshagen introduced herself as a candidate for Decatur Township Clerk. She has served for 26 years. Supervisor Kusmack and Treasurer James Abshagen went on record supporting her.

Decatur Planning Commission met on September 7, 2016 with all members present. The Joint Comprehensive (Master) Plan draft has been updated and the PC is requesting that the Township Board authorize the distribution of this draft to all neighboring townships as well as the county. Motion was made by Kusmack and supported by James Abshagen to distribute the draft. Vote, all yes. Clerk Abshagen will contact SWMPC and the next step will be taken.

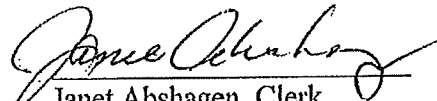
(continued)

Continued (Minutes 9/8/16)

Last day to register for November election is October 11 at 5 p.m. and absentee ballot applications are available. Call the Clerk.

Public Comments: Township Clerk Janet Abshagen stated that she had contacted MTA to clarify supporting a candidate for office and MTA & Janet both concurred that even though a Resolution is legal, it could be a cause for scrutiny that could impact the importance of the "support". They both felt that Public Comments time was the best time to show support for a candidate. Janet then stated that with her past experience with Suzie Roehm, both on the Township Board as Trustee as well as in the County Clerk's Office as Deputy County Clerk she supported Roehm to be the next Van Buren County Clerk. She felt that she was the MOST (and only) qualified candidate for the job. Supervisor Kevin Kusmack then stated he wanted to jump on board with this support statement as well as Treasurer James Abshagen. Suzie will be advised of this support.

With no further business to come before the Board the meeting was adjourned at 830 p.m.

  
Janet Abshagen, Clerk

(continued)



**Planning Commission Minutes for  
December 12, 2016  
7:00 p.m. - Hamilton Township Hall**

1. Call to Order

The meeting was called to order at 7:00 p.m. by Chair **Ralph Myrkle**.

2. Roll Call and Recognition of Visitors

Commission members present: **Sherry DeLoach, Jeff Grunden, Bill Lawson, Tina Leary, Ralph Myrkle, Steve Petersen, Craig Rose**.

Public present: Supervisor Carl Druskovich, Zoning Administrator Charlie Goodrich, Lake Association members Dominic Panico and Dan Buenz.

3. Approval of Agenda

Motion by **Lawson**, second by **DeLoach**, to approve the agenda as presented. Motion carried.

4. Approval of Minutes

Motion by **Rose**, second by **Lawson**, to approve the minutes from the September 12, 2016 meeting as presented. Motion carried.

5. Old Business

- Ordinance No. 2000-1 – Riparian Waterfront Land and Lot Use Regulations – Definition of Watercraft – Discussion - The definition of watercraft in this ordinance defines watercraft as motorized or non-motorized craft. It is the consensus of the Commission that this should be changed so that it excludes non-motorized watercraft. Druskovich presented list of topics he would like discussed further: 1)definition of watercraft; 2)60+ days of docking in MI requires watercraft to be registered; 3)that enforcement be complaint based and issue driven; 4)number of days a visitor can dock, cumulative vs successive; 5)registration of all watercraft on dock must be owner of parcel; 6)does access for deeded rights include docks; 7)beach rights – does current ordinance prohibit back lot owners to use a this time
- Review Attorney Letter on Limitation on Number of Watercraft on Docks – No action will be taken to mail out the letter.
- Keyhole Zoning – Update on Discussions with Decatur Township – Supervisor Druskovich reported that Decatur Township's Planning Commission will meet on January 4, 2017 at 7:00 p.m. at the Decatur Township Hall. They have invited him and two members of the Hamilton Planning Commission to attend. Grunden and Myrkle will attend on behalf of the Commission. If there is interest by Decatur Township Planning Commission in meeting jointly for review/revision of lake zoning, meetings between the two commissions will be scheduled in addition to the four regularly scheduled meetings for 2017.
- Joint Comprehensive Plan 2016 (Master Plan) – Recommendation to Township Board – Motion by Petersen, second by Grunden, to recommend submission of the Joint Comprehensive Plan 2016 to the Hamilton Township Board.

6. New Business

- Medical Marijuana Facilities Licensing Act – No action from the Planning Commission is required. The Township Board is responsible for making the decision whether or not any of the five facilities listed in the act will be allowed to be in the Township.
- Meeting Dates for 2017 – Motion by Rose, second by DeLoach, to set the four required meeting dates for 2017 as follows: March 13, June 12, September 11 and December 11. Motion carried.

7. Public Comment

Dominic Panico thanked the Commission for the time and interest the township is putting into the LOW Association's concerns over zoning around the lake.

8. Adjournment

Motion to adjourn by **Lawson**, second by **Grunden**, motion carried.

The meeting was adjourned at 8:22 p.m.

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Tina Leary, Secretary

**Hamilton Township Board**  
**December 13, 2016**  
**7:00 p.m. - Hamilton Township Hall**

**1. Call to Order/Pledge**

The meeting was called to order at 7:00 p.m. by Supervisor Carl Druskovich. Also Present: Treasurer Sandra Hanson, Trustee Charles Goodrich, Clerk-Elect Tina Leary. Absent: Trustee Craig Rose. There were four guests in attendance.

**2. Limited Public Comment**

Van Buren District Library Director Ryan Wieber provided an update on programs, budget and statistics for 2016 services.

Deputy Marcus Hamre reported that the Sheriff Department received 35 calls in November. There are still three blight complaints open and he will continue to monitor. With the winter weather and snow cover, he expects things will slow until spring.

Commissioner Don Hanson discussed the recent announcement of the closing of Palisades Nuclear Power Plant in October of 2018 and the impact that it will have on the County. The Jail addition/renovation project is going to run one million over initial budget estimates. County elected officials will be sworn in on December 19<sup>th</sup> at 4:00 p.m. in the Circuit Courtroom.

**3. Additions/Deletion to the Agenda**

None.

**4. Approval of Agenda**

Motion by Goodrich, second by Hanson, to approve the agenda as presented. Motion carried.

**5. Consent Agenda**

- a) Approval of November 15, 2016 Minutes
- b) Financial Report
- c) Payment of Bills
- d) MDOT – Training Flyer
- e) Road Commission – Winter Plow Rules
- f) Steinkraus Forest Management, LLC – Newsletter
- g) New Clerk – Tina Leary – Insurance Bond Completed

Motion by Goodrich, second by Hanson, to approve the Consent Agenda as presented. Motion carried.

**6. Old Business**

- a) **NFPI – MAPS** – There is nothing new to report.
- b) **Neighborhood Watch** – There was no December meeting.
- c) **Blight Concerns – 55<sup>th</sup> Street** – Druskovich stated that he has talked with Deputy Hamre about making contact with the new owner.
- d) **Keyhole Ordinance** – Druskovich provided a list of items to the Planning Commission that he would like discussed further and will help facilitate joint efforts between Decatur and Hamilton Townships and the Lake of the Woods Association. He stated he is planning to meet with Keeler Township Supervisor Bill Kays to discuss zoning and enforcement issues on Keeler Township lakes.
- e) **Cemetery Ordinance** – Attorney Roxanne Seeber is reviewing the ordinance.
- f) **Audit** – Steven Bryer from Siegfried Crandall P.C. reported that the Township had a favorable audit and is in good financial condition.
- g) **Joint Comprehensive Plan 2016 (Master Plan)** – The Planning Commission passed a motion recommending submission of the Plan at their meeting on 12/12/16.

Motion by Goodrich, second by Hanson, to approve the distribution of the draft Joint Comprehensive Plan 2016 by the Southwest Michigan Planning Commission to required entities for review and comment. Motion carried.

- **Assessor** – No report.
- **County Senior Services** – William Lawson reported that he has attended a meeting.
- **Roads** – Druskovich has obtained the maps and will prepare the estimates. He is proposing the same dust control and mowing schedule as last year. There is a drainage issue on 84<sup>th</sup> Avenue, and 86<sup>th</sup> Avenue by Lake of the Woods needs attention. He will talk to Decatur Township about coordinating the work schedule.

9. Adjournment

Motion to adjourn by Goodrich, second by Hanson, motion carried.

The meeting was adjourned at 8:20 p.m.

---

Tina Leary, Clerk-Elect





## Southwest Michigan Planning Commission

To: The Planning Commissions of Cass County, Van Buren County, Wayne Township, Volinia Township, Keeler Township, Lawrence Township, Paw Paw Township, Porter Township

From: Southwest Michigan Planning Commission (on behalf of Decatur Township, Hamilton Township, Village of Decatur (Van Buren County))

Date: December 19, 2016

Re: Distribution of Joint Master Plan DRAFT for review

Decatur Township, Hamilton Township, and the Village of Decatur are updating their Joint Master Plan. A **Joint Master Plan** is a long range-planning tool used to define the three municipalities' joint vision, goals, and policies. An effective plan accurately communicates citizen needs and desires about their communities and recommends specific strategies to achieve those values.

Decatur Township, Hamilton Township, and the Village of Decatur have produced a proposed plan for review by the public and by neighboring jurisdictions. Decatur Township, Hamilton Township, and the Village of Decatur will welcome your comments on this draft plan. As required by law, enclosed is the proposed plan for review and comment. The initial letter sent at the beginning of the planning process indicated that the plan would be sent in electronic format unless otherwise requested. Since no requests were received, the plan is provided on a CD-ROM and the file is an Adobe Acrobat file. You will need Adobe Reader to open the file. Adobe Reader is available on-line for free at [www.adobe.com/products/reader](http://www.adobe.com/products/reader). To request a paper copy of the proposed plan, please call Marcy at 269-925-1137 x 1525.

Municipalities have 65 days to review and send comments. Municipalities should send comments to both Van Buren County (Ted Thar, Deputy Director of Land Services, 219 Paw Paw St., Suite 302, Paw Paw, MI 49079 or [thart@vbco.org](mailto:thart@vbco.org)) and to Southwest Michigan Planning Commission, attn: Marcy Hamilton, 376 W. Main St, Ste 130, Benton Harbor, MI 49022 or to [hamiltonm@swmpc.org](mailto:hamiltonm@swmpc.org). Counties have between the 75th and 95th day after submission to submit its comments to SWMPC, attn: Marcy Hamilton at the email or mailing address above.

Sincerely,

Marcy Hamilton

Senior Planner

Southwest Michigan Planning Commission

376 West Main Street, Suite 130 • Benton Harbor, MI 49022-3651

• 269.925.1137 • 269.925.0288 • [www.swmpc.org](http://www.swmpc.org) • [swmpc@swmpc.org](mailto:swmpc@swmpc.org)

## **Planning Commission Recommends Adoption of Plan**

## **Resolution**

### **Decatur Village Planning Commission Recommend Township Board Adopts**

#### **VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP Joint Comprehensive Plan 2017**

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Village Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Village; and,

WHEREAS, the Decatur Village Council and Planning Commission in cooperation with Hamilton Township and Decatur Township has prepared a plan update in compliance with Act 33; and,

WHEREAS, the Decatur Village Council has passed a resolution asserting the Council's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Decatur Village distributed the draft plan update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Decatur Village Planning Commission held a properly noticed public hearing on the draft plan update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Decatur Village were afforded the opportunity to provide oral and written comments on the draft plan update, which comments the Planning Commission has taken into consideration; and,

NOW, THEREFORE, BE IT RESOLVED, that the Decatur Village Planning Commission recommends that Decatur Village Council adopts the **Joint Comprehensive Plan 2017**.

Offered By: Moelaart

Supported By: Hayes

Yeas: Hayes, Mitchell, Moelaart, Rex

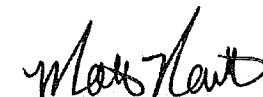
Nays: None

Absent: Krum

#### **CERTIFICATION OF RESOLUTION**

I, Matthew Newton, Clerk of the Village of Decatur, Van Buren County, Michigan do hereby certify that the foregoing Resolution is a true and complete copy of the resolution duly adopted by the Decatur Village Planning Commission at Joint Planning Commission meeting held April 25<sup>th</sup>, 2017.

Dated: April 25<sup>th</sup>, 2017



Matthew Newton, Village Clerk & Treasurer



## RESOLUTION 2017 PC #2

### **Decatur Township Planning Commission Recommend Township Board Adopts VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP Joint Comprehensive Plan 2017**

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Township Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Township; and,

WHEREAS, the Decatur Township Board and Planning Commission in cooperation with Hamilton Township and Decatur Village has prepared a plan update in compliance with Act 33; and,

WHEREAS, the Decatur Township Board has passed a resolution asserting the Board's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Decatur Township distributed the draft plan update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Decatur Township Planning Commission held a properly noticed public hearing on the draft plan update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Decatur Township were afforded the opportunity to provide oral and written comments on the draft plan update, which comments the Planning Commission has taken into consideration; and,

NOW, THEREFORE, BE IT RESOLVED, that the Decatur Township Planning Commission recommends that Decatur Township Board adopts the **Joint Comprehensive Plan 2017**.

Offered By: Dick Overton

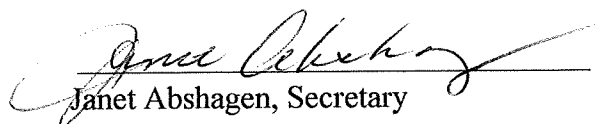
Supported By: Nick Siskanintez

Yeas: Sue Polomcak, Janet Abshagen, Dick Overton, Nick Siskanintez and Ken Wilder

Nays: None

Absent: None

Resolution declared adopted.

  
Janet Abshagen, Secretary  
Decatur Township Planning Commission

## Resolution

### Hamilton Township Planning Commission Recommend Township Board Adopts VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP Joint Comprehensive Plan 2017

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Township Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Township; and,

WHEREAS, the Hamilton Township Board and Planning Commission in cooperation with Decatur Township and Decatur Village has prepared a plan update in compliance with Act 33; and,

WHEREAS, the Hamilton Township Board has passed a resolution asserting the Board's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Hamilton Township distributed the draft plan update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Hamilton Township Planning Commission held a properly noticed public hearing on the draft plan update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Hamilton Township were afforded the opportunity to provide oral and written comments on the draft plan update, which comments the Planning Commission has taken into consideration; and,

NOW, THEREFORE, BE IT RESOLVED, that the Hamilton Township Planning Commission recommends that Hamilton Township Board adopts the **Joint Comprehensive Plan 2017**.

Offered By: GRUNOEN

Supported By: LAWSON

Yeas: 4

Nays: 0

Absent: 1

DATED: 4/25/17

## **Public Hearing Documents**

**Village of Decatur  
Planning Commission Minutes  
April 3<sup>rd</sup>, 2017**

Meeting called to order by Chairman Blaine Rex at 4:00 PM.

Roll Call: Gordon Krum, Janet Moelaart, Village Manager Aaron Mitchell, Council Trustee Hayes, and Chairman Blaine Rex present. Absent: none.

No additions to the agenda.

There were no guests present. Minutes from the October 20, 2016 meeting were read by Chairman Rex. Motion to approve the minutes as presented made by G. Krum, seconded by J. Moelaart. All in favor, motion carries.

VM Mitchell makes a motion to approve Council Trustee Kenny Hayes as the Decatur Village Council Representative, seconded by G. Krum. All in favor motion carries.

G. Krum makes a motion to approve J. Moelaart to fill L. Ralston's term after his passing, seconded by K. Hayes. All in favor, motion carries.

New Business:

- a) **Election of a Vice-Chairman**-Motion made by Chairman Rex to make K. Hayes Vice- Chair, seconded by J. Moelaart. All in favor, motion passes.
- b) **Decatur-Hamilton Master Plan**-Motion made by G. Krum to approve the Public Hearing Notice for the Decatur-Hamilton Master Plan set for April 25, 2017 at 6:30 pm at Decatur Township Hall, seconded by J. Moelaart. All in favor motion carries.
- c) **212 W. Delaware St.**-VM Mitchell agrees to explain to the homeowner that spot-zoning has not been done along Delaware St. in the past. The Village will be conducting a zoning update, at that time these considerations will be addressed. Chairman Rex requests for Brown Grosvenor to be involved with zoning review.

G. Krum makes motion to adjourn at 4:20 pm, seconded by J. Moelaart. All in favor, motion carries.

Respectfully Submitted,

Aaron Mitchell  
Village Manager



## RESOLUTION 2017 P.C. NO. 1

At the regular meeting of the Decatur Township Planning Commission in Van Buren County, Michigan, on January 4, 2017 at 7:00 p.m. at the Decatur Township Hall, 103 E. Delaware St., motion was made by Janet Abshagen and supported by Sue Polomcak to approve the following resolution.

WHEREAS: The Decatur Township Planning Commission has reviewed and made recommendations to the updated Joint Master Plan and the Draft is now ready and being distributed as required by law, and

THEREFORE: The Decatur Township Planning Commission designates April 25, 2017 @ 6:30 p.m. in the Decatur Township Hall to hold a Public Hearing with Hamilton Township and Decatur Village. Following the Public Hearing the Decatur Township Planning Commission will pass a Resolution to recommend that the Decatur Township Board formally adopt the Joint Master Plan at their May regular Township Board meeting.

AYES: Sue Polomcak, Janet Abshagen, Dick Overton, Nick Siskaninetz & Ken Wilder  
NAYS: None

Declared adopted January 4, 2017.

## CERTIFICATION

I, Janet Abshagen, Secretary for the Decatur Township Planning Commission for Decatur Township, Van Buren County, Michigan, hereby certify that the above is a true and correct copy of the proceedings of the regular Township Planning Commission meeting held on January 4, 2017.

  
Janet Abshagen, Planning Commission Secretary

**Planning Commission Minutes for  
March 13, 2017  
7:00 p.m. - Hamilton Township Hall**

1. Call to Order

The meeting was called to order at 7:00 p.m. by Vice Chair **Steve Petersen**.

2. Roll Call and Recognition of Visitors

Commission members present: **Sherry DeLoach, Jeff Grunden, Bill Lawson, Steve Petersen, Craig Rose**. Absent: Ralph Myrkle. There were no visitors present.

Motion by **Lawson**, second by **DeLoach**, to appoint Petersen as Chairperson for the meeting. Motion carried.

Motion by **Rose**, second by **DeLoach**, to approve the agenda as presented. Motion carried.

Minutes from the December 12, 2016 meeting were read and approved with quorum present.

3. Business Required at this Meeting

- Joint Comprehensive Plan 2016 (Master Plan) Public Hearing – Motion by **Rose**, second by **Grunden**, to hold a joint public hearing with Decatur Village and Township to allow for public comment on the updates to the Joint Comprehensive Plan 2016 on **April 25, 2017 at 6:30 p.m.** at the Decatur Township Hall. Motion carried.

4. Public Comment

There was no public comment.

5. Adjournment

Motion to adjourn by **Rose**, second by **DeLoach**, motion carried.

The meeting was adjourned at 7:10 p.m.

---

Bill Lawson, Acting Secretary

# Publisher's Affidavit

STATE OF MICHIGAN }  
VAN BUREN COUNTY } SS

David D. Moormann, being first duly sworn, says that he is the Editor of the **DECATUR REPUBLICAN**, a newspaper published in the English language for the dissemination of local

transmitted news and intelligence of a general character, newspaper, and that annexed hereto is taken from said newspaper, in which on:

April 2017  
\_\_\_\_ 20 \_\_\_\_  
\_\_\_\_ 20 \_\_\_\_  
\_\_\_\_ 20 \_\_\_\_  
\_\_\_\_ 20 \_\_\_\_  
\_\_\_\_ 20 \_\_\_\_

2702

ubscribed and sworn to before me this

\_\_\_\_, 20 \_\_\_\_

\_\_\_\_

\_\_\_\_ County, Michigan

\_\_\_\_

## NOTICE OF PUBLIC HEARING and PUBLIC COMMENT PERIOD

The Joint Planning Committee and the Planning Commissions for Decatur Village, Decatur Township and Hamilton Township will hold a public comment period ending with a public hearing at 6:30 p.m. on Tuesday, April 25, 2017 at the Decatur Township Hall, 103 E. Delaware Street, Decatur, MI 49045.

The purpose of the comment period and public hearing is to invite and hear comments on the **Proposed Joint Comprehensive Plan for Decatur Village, Decatur Township and Hamilton Township**. At the hearing, all interested parties will be given an opportunity to be heard.

If you cannot attend the public hearing, written comments can be sent to Decatur Village, 114 N. Phelps Street, Decatur, MI 49045 and must be received by April 25, 2017.

The proposed plan can be reviewed at the Decatur Village Hall, Decatur Township Hall, Hamilton Township hall and at the Webster Memorial Library during business hours. The plan can also be reviewed online at <http://swmpc.org/decham.asp>.

**Decatur Township Planning Commission  
Hamilton Township Planning Commission  
Village of Decatur Planning Commission**

# Public Hearing Minutes

## DECATUR TOWNSHIP PLANNING COMMISSION

The Planning Commission met at the Decatur Township Hall, 103 E. Delaware St. at 6:30 p.m. on Tuesday, April 25, 2017. All members were present as well as Marcy Hamilton of SWMPC, the Hamilton Township Planning Commission, Decatur Village Planning Commission and 3 guests.

This meeting was the Public Hearing for the update for the Joint Comprehensive Plan 2017. Notice of this public hearing was published and posted in each municipality.

Marcy Hamilton introduced herself and called the public hearing to order. She explained the update procedures to this point, the changes and data updates made, and the next steps to be taken.

The public hearing was open for public comments. There were none. After the required distribution of the Joint Comprehensive Plan there were no comments/changes, etc. received by any of the three Planning Commissions nor SWMPC. Public comments portion of the public hearing was closed.

Resolution 2017 PC No. 2 was read by and motion to adopt it was made by Dick Overton and supported by Nick Siskaninetz. Vote: Yeas – All five members; Nays – None; Absent: None. The Resolution was adopted.

The next step in the process is the Decatur Township Board to pass a resolution at their May 11, 2017 regular board meeting. This resolution will officially adopt the Plan effective on May 11, 2017.

With no further business for the Planning Commission, Polomcak made a motion to adjourn, supported by Abshagen, vote all yes, at 6:40 p.m.



Janet Abshagen  
Secretary, Decatur Planning Commission

**Village of Decatur Planning Commission  
Joint Planning Commission Meeting  
April 25<sup>th</sup>, 2017**

1. The meeting was called to order at 6:30PM by Marcy Hamilton from the Southwest Michigan Planning Commission. Roll call was taken for the Village of Decatur Planning Commission with Blaine Rex, Janet Moelaart, Ken Hayes, and Village Manager Aaron Mitchell being present. Gordy Krum was absent. This meeting was additionally attended by the Planning Commissions of Hamilton and Decatur Townships. Also in attendance were 2 visitors.
2. Marcy briefly reviewed the process of creating the Joint Comprehensive Plan.
3. Marcy also reviewed revisions, updates, and new items including the addition of the Village's Wellhead Protection Program. In addition, there is a focus on working together with respect to areas like code enforcement and being redevelopment ready.
4. Public hearing on the Decatur-Hamilton Joint Comprehensive Plan was opened.
  - a. No visitors wished to comment.
5. Public Hearing on the Decatur-Hamilton Joint Comprehensive Plan was closed.
6. Moelaart moved, Hayes seconded, CARRIED, to approve Decatur-Hamilton Joint Comprehensive Plan Resolution and recommend approval to Village Council.  
Roll Call Vote:  
Yea: Moelaart, Hayes, Rex, Mitchell  
Nay: None  
Abs: Krum
7. Mitchell moved, Rex seconded, CARRIED, to adjourn meeting at 6:41PM. All in favor, motion carried.

Respectfully submitted,

Matthew Newton  
Village Clerk & Treasurer

**Final Approval of Plan**

**Decatur Village - May 1, 2017**

**Decatur Township – May 11, 2017**

**Hamilton Township – May 9, 2017**



**RESOLUTION 2017-07 APPROVAL OF JOINT COMPREHENSIVE PLAN 2017**

**Decatur Village, Van Buren County, MI**

**VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP  
Joint Comprehensive Plan 2017**

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Village Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Village; and,

WHEREAS, the Village Council and Planning Commission in cooperation with Decatur and Hamilton Township has prepared a Master Plan Update in compliance with Act 33; and,

WHEREAS, the Village Council has passed a resolution asserting the Council's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Decatur Village distributed the draft Master Plan Update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Village Planning Commission held a properly noticed public hearing on the draft Master Plan Update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Decatur Village were afforded the opportunity to provide oral and written comments on the draft Master Plan Update, which comments the Planning Commission has taken into consideration; and,

WHEREAS, the Decatur Village Planning Commission has adopted a resolution by majority vote of its membership recommending adoption of the Master Plan Update 2017 to the Village Council;

NOW, THEREFORE, BE IT RESOLVED, that the Decatur Village Council does hereby adopt the **Joint Comprehensive Plan 2017**.

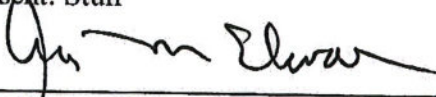
Offered By: Gunther

Supported By: Mead

Yea: Jackson, Hayes, Pachner, Gunther, Mead, Elwaer

Nay: None

Absent: Stull



Ali Elwaer, Village President



Matthew Newton, Village Clerk & Treasurer

**CERTIFICATION OF RESOLUTION**

I, Matthew Newton, Clerk of the Village of Decatur, Van Buren County, Michigan do hereby certify that the foregoing Resolution is a True and Complete Copy of the Resolution duly adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan, at a regular meeting held May 1<sup>st</sup>, 2017.

Dated: May 1<sup>st</sup>, 2017



Matthew Newton, Village Clerk & Treasurer



**RESOLUTION 2017 NO. 2**

**Resolution of Adoption**

**Decatur Township, Van Buren County, MI**

**VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP  
Joint Comprehensive Plan 2017**

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Township Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Township; and,

WHEREAS, the Decatur Township Board and Planning Commission in cooperation with Hamilton Township and Decatur Village has prepared a Master Plan Update in compliance with Act 33; and,

WHEREAS, the Decatur Township Board has passed a resolution asserting the Board's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Decatur Township distributed the draft Master Plan Update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Decatur Township Planning Commission held a properly noticed public hearing on the draft Master Plan Update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Decatur Township were afforded the opportunity to provide oral and written comments on the draft Master Plan Update, which comments the Planning Commission has taken into consideration; and,

WHEREAS, the Decatur Township Planning Commission has adopted a resolution by majority vote of its membership recommending adoption of the Master Plan Update 2017 to the Township Board;

NOW, THEREFORE, BE IT RESOLVED, that the Decatur Township Board does hereby adopt the **Joint Comprehensive Plan 2017**.

**Certification of Adoption:**

Offered By: Janet Abshagen

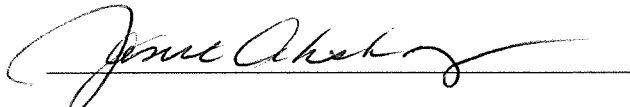
Supported By: Katelin Makay

Yeas: Kevin Kusmack, Janet Abshagen, James Abshagen, Katelin Makay & Paul Makay

Nays: None

Absent: None

Resolution declared adopted on May 11, 2017



Janet Abshagen, Township Clerk

## **Resolution of Adoption**

**Hamilton Township, Van Buren County, MI**

### **VILLAGE OF DECATUR; DECATUR TOWNSHIP; HAMILTON TOWNSHIP Joint Comprehensive Plan 2017**

WHEREAS, Act 33, Public Acts of Michigan 2008, as amended provides for a Township Planning Commission to prepare and recommend adoption of a master plan for the physical development of the Township; and,

WHEREAS, the Hamilton Township Board and Planning Commission in cooperation with Decatur Township and Decatur Village has prepared a Master Plan Update in compliance with Act 33; and,

WHEREAS, the Hamilton Township Board has passed a resolution asserting the Board's right to adopt the Master Plan and all elements and updates of that plan, as allowed by Act 33, Public Acts of Michigan 2008, as amended; and,

WHEREAS, Hamilton Township distributed the draft Master Plan Update to the county planning commission and the planning commissions of surrounding units of government, and all other relevant agencies for review and comment in compliance with Act 33; and,

WHEREAS, the Hamilton Township Planning Commission held a properly noticed public hearing on the draft Master Plan Update on April 25, 2017, in accordance with the requirements of Act 33 and other applicable statutes; and,

WHEREAS, at the public hearing held on April 25, 2017, the citizens of Hamilton Township were afforded the opportunity to provide oral and written comments on the draft Master Plan Update, which comments the Planning Commission has taken into consideration; and,

WHEREAS, the Hamilton Township Planning Commission has adopted a resolution by majority vote of its membership recommending adoption of the Master Plan Update 2017 to the Township Board;

NOW, THEREFORE, BE IT RESOLVED, that the Hamilton Township Board does hereby adopt the **Joint Comprehensive Plan 2017**.

Certification of Adoption: 5/9/2017

Offered By: → Hanson-Goodrich

Supported By:

Yeas: HANSON, LEARY, DRUSKOVICH, GOODRICH

Nays: 0

Absent: ROSE



## Southwest Michigan Planning Commission

To: The Planning Commissions of Cass County, Van Buren County, Wayne Township, Volinia Township, Keeler Township, Lawrence Township, Paw Paw Township, Porter Township

From: Southwest Michigan Planning Commission (on behalf of Decatur Township, Hamilton Township, Village of Decatur (Van Buren County))

Date: August 10, 2017

Re: Distribution of Final Joint Comprehensive Plan

Decatur Township, Hamilton Township, and the Village of Decatur have updated their Joint Comprehensive Plan. A **Joint Comprehensive Plan** is a long range-planning tool used to define the three municipalities' joint vision, goals, and policies. An effective plan accurately communicates citizen needs and desires about their communities and recommends specific strategies to achieve those values.

The initial letter sent at the beginning of the planning process indicated that the plan would be sent in electronic format unless otherwise requested. Since no requests were received, the plan is provided on a CD-ROM and the file is an Adobe Acrobat file. You will need Adobe Reader to open the file. Adobe Reader is available on-line for free at [www.adobe.com/products/reader](http://www.adobe.com/products/reader). To request a paper copy of the proposed plan, please call Marcy at 269-925-1137 x 1525.

Sincerely,

Marcy Hamilton

Senior Planner

Southwest Michigan Planning Commission

376 West Main Street, Suite 130 • Benton Harbor, MI 49022-3651

• 269.925.1137 • 269.925.0288 • [www.swmpc.org](http://www.swmpc.org) • [swmpc@swmpc.org](mailto:swmpc@swmpc.org)



## Chapter 42 - ZONING

*Footnotes:*

--- (1) ---

**State Law reference**— *Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.*

### ARTICLE I. - IN GENERAL

#### Sec. 42-1. - Title.

The village, in accordance with the enabling legislation for municipal zoning as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and Public Act No. 33 of 2008 (MCL 125.3801 et seq.), hereby provides as follows: a zoning ordinance which shall be known as and may be cited as the "Village of Decatur Zoning Ordinance," as amended, and is referred to as the "zoning ordinance."

(Ord. No. 202, § 1.1, 11-6-2017)

#### Sec. 42-2. - Area of jurisdiction.

The provisions of this chapter apply to all development, public and private, throughout the incorporated areas of the village, to the extent permitted by law.

(Ord. No. 202, § 1.2, 11-6-2017)

#### Sec. 42-3. - Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare of the residents of the village. This chapter shall serve the general good of the community in accordance with the adopted Village of Decatur Master Plan and any additions and amendments as may be approved by the village.

(Ord. No. 202, § 1.3, 11-6-2017)

#### Sec. 42-4. - Interpretation and relationship to other regulations.

In interpreting and applying the provisions of this chapter, these provisions must be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this chapter imposes a greater restriction upon the use of buildings or lots or upon the

height of buildings, or requires larger open spaces than are imposed or required by any other applicable rule, covenant or law, the provisions of this chapter shall govern. The village has no responsibility or authority for enforcing private agreements or covenants.

(Ord. No. 202, § 1.4, 11-6-2017)

Sec. 42-5. - Conflict with state or federal regulations.

If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provisions will control, to the extent permitted by law.

(Ord. No. 202, § 1.5, 11-6-2017)

Sec. 42-6. - Official zoning map.

The boundaries of the zoning districts established by the zoning ordinance are shown on a map or series of maps designated the "Official Zoning Map." The official zoning map, including all notations, references, data and other information shown therein, is adopted and made a part of this chapter as fully as if it were contained within the pages of this chapter.

- (1) *Location.* The official zoning map is filed in the office of the village clerk.
- (2) *Updates.* The village planning commission is responsible for updating the official zoning map to reflect amendments adopted by the village board.
- (3) *Zoning district boundaries.* Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
  - a. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the official zoning map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
  - b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the official zoning map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the official zoning map.
  - c. Whenever any street, road, alley, place or other public way is officially vacated by the village or county road commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
  - d.

Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (3)a through c of this section, the zoning administrator shall interpret the boundaries.

- e. Any dispute in the determination of the zoning district boundaries shall be heard by the board of zoning appeals.

(Ord. No. 202, § 1.6, 11-6-2017)

#### Sec. 42-7. - Validity.

This chapter in various parts, sections, subsections, sentences, paragraphs, phrases, and clauses thereof are hereby declared severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby. The village board hereby declares that it would have passed the ordinance from which this chapter is derived and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

(Ord. No. 202, § 1.7, 11-6-2017)

#### Sec. 42-8. - Repeal.

This chapter repeals and replaces any previous village zoning ordinance in its entirety.

(Ord. No. 202, § 1.8, 11-6-2017)

#### Sec. 42-9. - Definitions.

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

*Accessory building* means a subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

*Accessory use* means a subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

*Adult cabaret* means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;



- (3) Films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

*Alley* means a way which affords only a secondary means of access to property abutting thereon.

*Apartment* means a room or suite of rooms intended, designed, or used as a residence by a single family.

*Assembly and manufacturing* means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, including, but not limited to, oils, plastics, resins, etc.

*Basement* means a story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

*Billboard* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot.

*Boardinghouse. See Lodginghouse.*

*Buildable width* means the width of the lot left to be built upon after the side yards are provided.

*Building* means any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any moveable device, such as furniture, machinery, or equipment. The term "building" shall include the term "structure."

*Building, height of,* means the vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, bib, and gambrel roof.

*Cellar* means a story having more than one-half of its height below grade.

*Clinic, medical,* means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

*Club* means a building or portion thereof or premises owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

*Commercial medical marihuana facility (or facility)* may include any of the following:



*Provisioning center*, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorize by Ordinance No. 2019-001.

- (2) *Grower facility*, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by Ordinance No. 2019-001.
- (3) *Processor facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.
- (4) *Safety compliance facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.
- (5) *Secure transporter facility*, as that term is defined in the MMFLA and authorized by Ordinance No. 2019-001.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Dwelling, multiple*, means a building designed for or occupied exclusively by more than two families living independently of each other.

*Dwelling, single-family*, means a building designed for or occupied exclusively by one family.

*Dwelling, two-family*, means a building designed for or occupied exclusively by two families living independently of each other.

*Family* means one or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two persons not related by blood, marriage, or adoption.

*Filling station* means any building or premises used for the sale, at retail, of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding commercial garages.

*Floor area* means the total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

*Frontage* means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

*Garage, commercial*, means any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

*Garage, private*, means a detached accessory building or portion of the main building, housing the automobiles of the occupants of the premises.

*General service and repair* means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, provided it is conducted within a completely enclosed building.

*Grade* means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

*Grocery store* means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

*Home occupation* means any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate no larger than four square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for domestic household purposes.

*Hospital* means an institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

*Hotel* means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boardinghouse or lodginghouse as herein defined.

*Institution* means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

*Kennel* means an establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.

*Laundromat* means a business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

*Loading space* means a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum width of 12 feet, a minimum depth of 45 feet, and a vertical clearance of at least 14.5 feet, and connected with a street or road serving the premises.

*Lodginghouse* means a building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three or more, but not to exceed 12, individuals. Such lodginghouse or boardinghouse shall not be open to transient guests, in contradistinction to a hotel as is herein defined.

*Lot* means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, open spaces and parking spaces required by this chapter, and having its principal frontage upon a street.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection.

*Lot, depth of,* means the mean horizontal distance between the front and rear lot lines.

*Lot, double frontage,* means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

*Lot of record* means a lot or parcel of land, the plat or deed of which has been recorded in the office of the county register of deeds prior to the adoption of the ordinance from which this chapter is derived.

*Marihuana establishment (or adult-use/recreational marihuana facility):* the term may include any of the following:

- (1) *Marihuana retailer*, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and authorized by Ordinance No. 2019-004.
- (2) *Marihuana microbusiness*, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and authorized by Ordinance No. 2019-004.
- (3) *Marihuana grower*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
- (4) *Marihuana processor*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
- (5) *Marihuana safety compliance facility*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.
- (6) *Marihuana secure transporter*, as that term is defined in the MRTMA and authorized by Ordinance No. 2019-004.

*Mobile home or house trailer* means a structure, transportable in one or more sections, which is built or transported on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. A mobile home can be classified as a dwelling or dwelling unit only after meeting the requirements and standards of article IX of this chapter and being approved by the village council.



*Motel, motor court, motor lodge, or tourist court* means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

*Multiple-family.* Multifamily residential is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Forms of multiple-family may include apartment buildings, stacked flats, cluster housing, and attached single-family residential units.

*Nonconforming use* means any building or land lawfully occupied by a use at the time of passage of the ordinance from which this chapter is derived or amendment thereto which does not conform after the passage of the ordinance from which this chapter is derived or amendment thereto with the use regulations of the district in which it is situated.

*Parking space, off-street,* means an area, enclosed or unenclosed, having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley or a surfaced driveway which affords ingress and egress for automobiles.

*Patio or terrace* means an area, improved with concrete, brick or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities, but not used for vehicle parking or storage.

*Retail use* means the selling of goods, wares, or merchandise directly to the ultimate consumer or persons.

*Sand and gravel operations* means use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision.

*Sign* means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

*Story* means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

*Story, half,* means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the

occupancy of the floor immediately below.

*Street* means a public way which affords the principal means of access to abutting property.

*Structural alterations* means any change, except those required by law or ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

*Structure* means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground and including, but not limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

*Taverns, breweries, and distilleries* means establishments that are licensed by the state for the production and on-site tasting and sales of alcoholic beverages.

*Trailer or mobile home.* See *Mobile home*.

*Trailer or mobile home park* means an area where one or more trailers can be or are intended to be parked and designed or intended to be used as living facilities for one or more families.

*Yard* means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground level upward, except as otherwise provided in this chapter.

*Yard, front,* means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

*Yard, rear,* means a yard extending the full width of the lot from the rear line of the main building to the rear lot line.

*Yard, side,* means a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

(Ord. No. 202, art. 2, 11-6-2017; Ord. No. 2019-002, § I, 9-9-2019; Ord. No. 2019-005, § IA, 10-7-2019)

#### Sec. 42-10. - Buildings and lots.

- (a) No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used, except for the uses permitted in the district in which the building or land is located.
- (b) No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.
- (c) The minimum parking, yards, and other open spaces, including lot areas per family required by this chapter, shall be provided for each and every building or structure hereafter erected, and such minimum parking, yards, open spaces, and lot areas for each and every building of structure

whether existing at the time of passage of the ordinance from which this chapter is derived or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

- (d) Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot of record at the time of passage of the ordinance from which this chapter is derived, that lot may be used for any purpose permitted in the district within which such lot is located.
- (e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on one lot unless otherwise provided in this chapter.
- (f) Every lot or other parcel of land which is occupied or intended for occupancy by a use permitted in this chapter shall adjoin and have direct access to a public street.
- (g) All dwelling units hereinafter erected in the village shall be erected with the front entrance of the dwelling unit facing the public street adjoining the lot or other parcel of land upon which the dwelling unit is erected.
- (h) All dwelling units or other buildings, hereinafter erected in the village, which require water and/or emanates sewage shall be connected to the village public water and sanitary sewer systems if same are available, and if not available, to such private water well and septic systems as shall be approved by the county health department.

(Ord. No. 202, art. 3, § 1, 11-6-2017)

#### Sec. 42-11. - Public streets.

All streets constructed in the village shall be public streets having a 66-foot right-of-way, the traveled portion of which shall be paved with bituminous asphalt, and said streets shall be constructed pursuant to the specifications of the village.

(Ord. No. 202, art. 3, § 2, 11-6-2017)

#### Sec. 42-12. - Public infrastructure.

In the event public improvements for water and sanitary sewer systems and/or public streets must be constructed to serve a building, satisfactory performance guarantees or bonds shall be required from the developer of the land located in the village before any building permits for construction of such building shall be issued.

(Ord. No. 202, art. 3, § 3, 11-6-2017)

#### Sec. 42-13. - Accessory buildings.



- (a) Authorized accessory buildings shall be erected only on the same lot as the principal building and may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- (b) Where any accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
- (c) A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
- (d) An accessory building shall be allowed as a principal use provided it is not used for dwelling, lodging or sleeping purposes and the structure is located no closer to a front, side or rear lot line than the permitted distance for a principal structure on the same lot.

(Ord. No. 202, art. 3, § 4, 11-6-2017)

#### Sec. 42-14. - Essential services.

- (a) The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the village in any use district.
- (b) Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.

(Ord. No. 202, art. 3, § 5, 11-6-2017)

#### Sec. 42-15. - Animals.

The keeping of poultry, pigs, hogs, horses or other such livestock are prohibited within the village.

(Ord. No. 202, art. 3, § 6, 11-6-2017)

#### Sec. 42-16. - Home business, home occupations and cottage industries.



While the village recognizes that many residents feel the necessity to work at home, the village also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by nonresidential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

(1) *Home occupations.*

- a. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
- b. Home occupations shall be operated in their entirety within the dwelling (not within an attached or detached garage or accessory building) and shall occupy no more than 25 percent of the dwelling's ground floor area. Attached and detached residential garages may be used for incidental storage.
- c. Home occupations shall be conducted primarily by the persons occupying the premises as their principal residence. Not more than one nonresident person shall be employed to assist with the business.
- d. Additions to a dwelling for the purpose of conducting a home occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- e. Home occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- f. Home occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the village as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a home occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- g. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- h. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the home occupation.
- i. There shall be no parking permitted within any setback areas.
- j. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

(2) *Cottage industries.*

- a. Cottage industries may be permitted as a special use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the planning commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the zoning administrator. If any changes are necessary, the request will be reheard by the planning commission.
- b. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- c. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed 2,400 square feet.
- d. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the planning commission.
- e. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a cottage industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
- f. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- g. Cottage industries shall be conducted only by the persons residing on the premises. The planning commission may allow up to two additional employees or assistants.
- h. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the planning commission during the review and approval process.
- i. Hours of operation shall be approved by the planning commission.

(Ord. No. 202, art. 3, § 7, 11-6-2017)

Sec. 42-17. - Stormwater retention.

Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate and the use of low impact development techniques, such as rain gardens, green roofs, bioswales, pervious pavement, and native, non-invasive landscaping. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe or through other stormwater facilities that will be developed at the same time as the proposed new use. Stormwater management efforts shall be consistent with the provisions of the Van Buren County Stormwater and Soil Erosion Control Program. In the case of conflicting regulations, between the village zoning ordinance and the Van Buren County Stormwater and Erosion Control Program, the more stringent of the two shall apply. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunkline ditch.

(Ord. No. 202, art. 3, § 8, 11-6-2017)

Sec. 42-18. - Hazardous substances.

All businesses or industries that store, use or generate hazardous substances, as defined in this chapter, shall meet all state and federal requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

(Ord. No. 202, art. 3, § 9, 11-6-2017)

Sec. 42-19. - Outdoor lighting.

- (a) All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures, shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than 20 feet in height.
- (b) The planning commission may permit taller or require shorter fixtures only when the planning commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed 20 footcandles as measured three feet above the ground surface, directly under the fixture.

(Ord. No. 202, art. 3, § 10, 11-6-2017)

Secs. 42-20—42-41. - Reserved.



## ARTICLE II. - ZONING DISTRICTS AND ZONING MAP

### Sec. 42-42. - Relationship of chapter to community master plan.

This chapter is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within this chapter regulate the amount, type and use of a building allowable on a piece of land. This chapter is a tool used by the community to effectuate the recommendations of the community master plan, which is a guide for the long-term physical development of the village.

(Ord. No. 202, art. 4, § 1, 11-6-2017)

### Sec. 42-43. - Districts established.

The village is hereby divided into the following districts, which shall be known as:

R-1	One and Two Family Residential
R-2	Multiple Family
B-1	Central Business District
B-2	General Business District
I	Industrial District

(Ord. No. 202, art. 4, § 2, 11-6-2017)

### Sec. 42-44. - One and Two Family Residential (R-1).

The purpose of this district is to provide for one- and two-family residential development of spacious character, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings and, at the same time, to preserve open spaces. This district is located to protect existing development and contains vacant land considered appropriate for such residential development in the future.

(Ord. No. 202, art. 4, § 3, 11-6-2017)

Sec. 42-45. - Multiple Family District (R-2).

The purpose of this district is to maintain a residential environment while permitting a wide variety of dwelling types. Single-family, two-family, and multiple-family dwelling units are permitted on medium sized lots, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. Population densities and height of buildings permitted are low enough to be generally compatible with single-family development in the same general neighborhood.

(Ord. No. 202, art. 4, § 4, 11-6-2017)

Sec. 42-46. - Central Business District (B-1).

The purpose of this district is to encompass the retail service and office area of the central business district and permit a wide variety of uses to provide basic trade and services to the village and the area surrounding the village. This district is intended to provide a centralized location for trade and service activities having regional influence.

(Ord. No. 202, art. 4, § 5, 11-6-2017)

Sec. 42-47. - General Business District (B-2).

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, including certain uses requiring large land areas which are not desirable in the central business district. These uses are located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise, associated with manufacturing.

(Ord. No. 202, art. 4, § 6, 11-6-2017)

Sec. 42-48. - Industrial District (I).

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing wholesale distributing, and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded.

(Ord. No. 202, art. 4, § 7, 11-6-2017)

Sec. 42-49. - Compliance with district regulations.

Compliance with district regulations shall be required as follows:

- (1) No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.
- (2) No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- (3) No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- (4) The minimum yards, parking space and other open spaces, including lot area per family, required by this chapter for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this chapter.
- (5) Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one main building on one lot, except as provided in parts of this chapter.

(Ord. No. 202, art. 4, § 8, 11-6-2017)

Sec. 42-50. - Map.

The boundaries of these districts are shown upon the zoning district map which accompanies and is made a part of this chapter. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the village clerk.

(Ord. No. 202, art. 4, § 9, 11-6-2017)

Sec. 42-51. - Annexed territory.

All territory which may hereafter be annexed to the village shall be classified in the R-1 Residential District, until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance, in accordance with article XI of this chapter.

(Ord. No. 202, art. 4, § 10, 11-6-2017)

Sec. 42-52. - Vacated street or public way.

Whenever any street or other public way is vacated by official action of the village, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(Ord. No. 202, art. 4, § 11, 11-6-2017)

Sec. 42-53. - Interpretation of district boundaries.

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

- (1) Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the zoning district map, then the actual location shall control.
- (2) Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- (3) Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- (4) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- (5) In un-subdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

(Ord. No. 202, art. 4, § 12, 11-6-2017)

Sec. 42-54. - Properties with multiple zoning designations.

When an individual recorded parcel, which exists at the time of adoption of the ordinance from which this chapter is derived, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel.

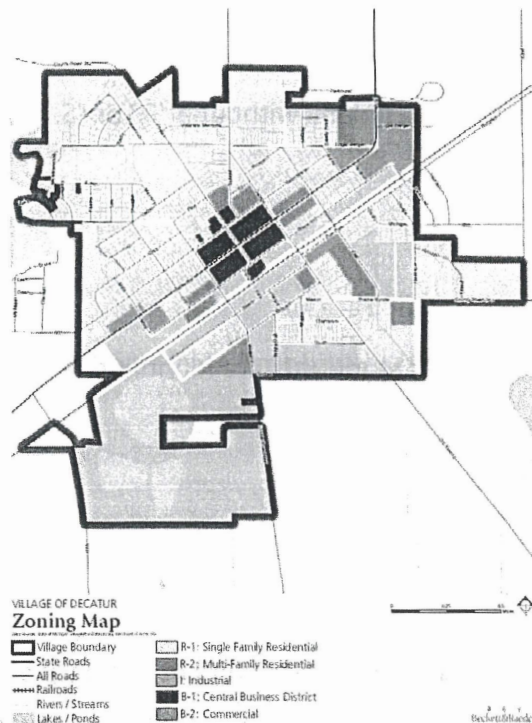
(Ord. No. 202, art. 4, § 13, 11-6-2017)



Sec. 42-55. - Uses contrary to federal, state or local statutes, laws, and/or ordinances.

Uses for enterprises or purposes that are contrary to federal, state, and village statutes, laws, and/or ordinances are prohibited.

(Ord. No. 202, art. 4, § 14, 11-6-2017)



Secs. 42-56—42-83. - Reserved.

### ARTICLE III. - REGULATED USES AND DIMENSIONAL REGULATIONS

Sec. 42-84. - Land use and zoning district table.

The use table in this article lists by land use type (i.e., residential, residential preservation, etc.) where a particular land use is allowed in a respective base zoning district.

(Ord. No. 202, art. 5, § 1, 11-6-2017)

Sec. 42-85. - Permitted uses (P).

If a land use is permitted by-right in a base zoning district, it is identified by the symbol "P."

(Ord. No. 202, art. 5, § 2, 11-6-2017)

Sec. 42-86. - Special land use (S).

The symbol "S" is noted if a land use is permitted after review and approval as a special land use in accordance with this chapter.

(Ord. No. 202, art. 5, § 3, 11-6-2017)

Sec. 42-87. - Uses not allowed.

If a land use type is not allowed in a base zoning district, it is blank without a "P" or "S."

(Ord. No. 202, art. 5, § 4, 11-6-2017)

Sec. 42-88. - Site-specific standards.

Land use types that are further regulated with site-specific standards are identified in article IV of this chapter.

(Ord. No. 202, art. 5, § 5, 11-6-2017)

Sec. 42-89. - Unlisted uses.

If an application is submitted for a use type that is not classified in the land use table in section 42-91 and proven to be a need in the village, the planning commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the planning commission may initiate an amendment to the text of the zoning ordinance.

(Ord. No. 202, art. 5, § 6, 11-6-2017)

Sec. 42-90. - Land use type.

Land use types listed in the land use and base zoning district table are defined in section 42-9.

(Ord. No. 202, art. 5, § 7, 11-6-2017)

Sec. 42-91. - Land use and base zoning district table.

	R-1	R-2	B-1	B-2	I
<b>Uses Allowed in All Districts</b>					

Accessory buildings	P	P	P	P	P
<b>Residential Land Uses</b>					
Boarding and lodging facilities		P			
Cemetery or mausoleum	S				
Churches	P	P			
Country clubs and golf course	P	P			
Gardens	P	P			
Home occupations	P	P			
Public and private schools K—12	P	P			
Public buildings and parks	P	P			
Single-family dwellings	P	P			
Two-family dwellings	P	P			
Multiple-family dwellings		P	P	P	
Mobile home parks		S			
Residential units above nonresidential uses			P	P	
<b>Commercial Land Uses</b>					
Auto and vehicle repair garage			S	P	P
Automobile parking lot			P	P	P

Adult cabarets				S	S
Banks and financial office			P	P	P
Commercial garages				P	P
Drive-in restaurants				P	P
Farm implement, sale or repair				P	P
Food storage lockers				P	P
Funeral home and mortuaries				P	P
Greenhouse and nursery			S	S	P
Grocery stores and meat markets			P	P	P
Hospital				S	
Laboratories and research				P	P
Marihuana microbusiness			P	P	P
Marihuana retailer			P	P	P
Medical clinics				P	P
Motels and hotels				P	P
Personal services			P	P	P
Printing establishments				P	P
Private clubs and lodges				P	P
Professional and medical offices			P	P	P

Provisioning center			P	P	P
Restaurants			P	P	P
Retail use			P	P	P
Taverns, breweries, and distilleries			P	P	P
Veterinary clinics without kennels				P	P
<b>Industrial Land Uses</b>					
Assembly and manufacturing					P
Coal, coke, wood, lumber yard					P
Contractor yard					P
Feed grain and grain storage facility					P
General service and repair					P
Grower facility					P
Kennels					P
Manufacture of household goods					P
Manufacture and storage of food products					P
Marihuana grower—Class A, Class B, and Class C					S
Marihuana processor					P
Marihuana safety compliance facility					P



Marihuana secure transporter					P
Processor facility					P
Safety compliance facility					P
Sand and gravel operations					S
Secure transporter facility					P
Trucking terminal					P
Wholesale and storage					P

(Ord. No. 202, art. 5, § 8, 11-6-2017; Ord. No. 2019-002, § II, 9-9-2019; Ord. No. 2019-005, §§ IIA, B, 10-7-2019)

Sec. 42-92. - Height and area requirements.

The placement of land uses (permitted, special use or conditional) are regulated by the zoning district. The table in section 42-100 enumerates by zoning district the dimensional requirements.

(Ord. No. 202, art. 5, § 9, 11-6-2017)

Sec. 42-93. - Height.

- (a) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- (b) Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances may be erected to such height as may be authorized by the village council, but not to exceed 150 feet.

(Ord. No. 202, art. 5, § 10, 11-6-2017)

Sec. 42-94. - Front yards.

- (a) When 40 percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed 50 percent in excess of the front yard otherwise required in the district in which the lot is located.
- (b) An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet. An unenclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not to exceed four feet.
- (c) Where lots have double frontage, the required front yard shall be provided on both streets.
- (d) Parking of vehicles shall not be permitted in front yards except that vehicles may be parked on driveways connecting garages, carports, or rear yard parking spaces with the street.

(Ord. No. 202, art. 5, § 11, 11-6-2017)

Sec. 42-95. - Side yards.

- (a) For the purpose of side yard regulations, a two-family dwelling, or multiple dwelling, shall be considered as one building occupying one lot.
- (b) Whenever a lot at the effective date of the ordinance from which this chapter is derived has a width of less than 60 feet, each side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall a side yard be less than three feet.
- (c) The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the buildable width shall not be reduced to less than 32 feet, and no accessory building shall project beyond the required front yard on either street.
- (d) Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
- (e) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground story may project into a required yard, provided these projections be at least two feet from the adjacent side lot line.

(Ord. No. 202, art. 5, § 12, 11-6-2017)

Sec. 42-96. - Rear yards.

- (a) Open-lattice enclosed fire escapes, fireproof outside, stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than 3½ feet and where the same are so placed as not to obstruct light and ventilation.



- (b) Not more than 20 percent of the required rear yard area may be occupied by unenclosed parking spaces; except in R-2 districts, where not more than 50 percent of required rear yards may be occupied as unenclosed parking spaces.

(Ord. No. 202, art. 5, § 13, 11-6-2017)

Sec. 42-97. - Buildings and accessory buildings.

- (a) Where a lot or tract is used for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- (b) In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple dwellings, institutional, motel or hotel purposes, there may be more than one main building on the lot; provided, however, that the open spaces between buildings that are parallel, or within 45 degrees of being parallel, shall have a minimum dimension of 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three- or four-story buildings.
- (c) Accessory buildings may be built in a required yard but such accessory buildings shall not occupy more than 30 percent of a required rear yard and shall not be nearer than two feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than ten feet to the alley line. If a garage is located closer than ten feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
- (d) No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

(Ord. No. 202, art. 5, § 14, 11-6-2017)

Sec. 42-98. - Open space.

- (a) Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the ordinary projection of sills, belt courses, cornices, and ornamental features which may extend to a distance not to exceed 18 inches into any required yard. Roofs and eaves may extend not more than 30 inches into any required yard.
- (b) Where open space is more than 75 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three- or four-story buildings.

(Ord. No. 202, art. 5, § 15, 11-6-2017)

Sec. 42-99. - Minimum dwelling unit floor area.

- (a) Every dwelling unit which shall hereafter be constructed, reconstructed or converted at any location in the village shall have a minimum width across the front, sides and rear of 20 feet and shall comply with the minimum square feet requirements hereinafter set forth and with the state construction code as promulgated by the state construction code commission under the provisions of Public Act No. 230 of 1972, as amended.
- (b) Every dwelling unit above the grade shall contain the following minimum square feet of living area, measured around the exterior of the dwelling, and excluding porches, patios, decks, garages, breezeways, and carports, to-wit:
- (1) Single-family dwelling unit: 864 square feet.
  - (2) Two-family dwelling units: 1,728 square feet.
- (c) For buildings having more than two dwelling units an additional 700 square feet of living area shall be required for each dwelling unit in excess of two.

(Ord. No. 202, art. 5, § 16, 11-6-2017)

Sec. 42-100. - Dimensional requirements table.

<i>District</i>	<i>Maximum Height Lot of Buildings</i>		<i>Minimum Yard Requirements in Feet</i>			<i>Minimum Lot Area per Family in Square Feet</i>	<i>Minimum Residential Widths in Feet</i>
	<i>Stories</i>	<i>Feet***</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>		
R-1 Residential	2	35	30	<u>8</u>	25	10,000 one-family	80
						5,000 two- family	80
R-2 Residential	3	45	25	<u>6</u>	25	7,500 one- family	60
						3,750 two- family	60

						2,500 multiple- family	60
B-1 Central District	3	45	—	10 *	20 *	Same as R- 2 **	Same as R- 2 **
B-2 General District	3	45	25	10 *	20 *	Same as R- 2 **	Same as R- 2 **
I-Industrial	3	45	25	10 *	30 *	Residences not permitted	Residences not permitted

Notes:

\* A side or rear yard is required on a commercial or industrial lot abutting a residential district, otherwise, no side or rear yard is required.

\*\* Minimum lot area and minimum lot width requirements do not apply to commercial uses.

\*\*\* Except as provided in section 42-93.

(Ord. No. 202, art. 5, § 17, 11-6-2017)

Secs. 42-101—42-116. - Reserved.

ARTICLE VI. - OVERLAY DISTRICT

Sec. 42-117. - Commercial Marihuana Facilities Overlay District.

- (a) *Purpose.* The Commercial Marihuana Facilities (CMF) Overlay District is intended to identify certain areas of the B-1, B-2, and I Districts where commercial marihuana facilities are permitted to locate. This district is applied over the B-1, B-2, and I Districts and allows for permissions and/or restrictions in addition to those of the underlying B-1, B-2, and I District.

(b) *Overlay District Requirements.* All uses, structures, and development within the CMF District shall be subject to all the requirements of the respective B-1, B-2, and I Districts within which the parcel is located. In addition, any property in the CMF District containing a principal use in conformance with the requirements of this Article (including nonconforming uses or structures as regulated by Article 11) shall be in accordance with Article 7, Section 13 as amended.

(c) *Map.* The boundaries of this district are shown upon the CMF District Map which accompanies and is made a part of this article. Said map and all information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the village clerk.

(Ord. No. 2019-002, § III(1), 9-9-2019)

Secs. 42-118—42-128. - Reserved.

#### ARTICLE IV. - SPECIAL USE PERMIT

Sec. 42-129. - Purpose.

The formulation and enactment of this chapter is based upon the division of the village into districts, each which may permit specific uses, which are mutually compatible, and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this article shall be in addition to others required elsewhere in this chapter and at the same time provide to the planning commission and the property owner some latitude to address site issues in an innovative manner.

(Ord. No. 202, art. 7, § 1, 11-6-2017)

Sec. 42-130. - General provisions.

- (a) *Authority to grant permits.* The planning commission as hereinafter provided shall have the authority to approve, deny, or approve with conditions, as specified in section 42-131, special land uses.
- (b) *Application.* Application for any special land use permit permissible under the provision of this chapter shall be made to the planning commission through the zoning administrator by filing an official special land use permit application form and submitting a site plan along with the



application fee.

- (c) *Public hearing for special land uses.* After a preliminary review of the site plan and an application for a special land use permit, the planning commission shall hold a hearing on the site plan and special land use permit in accord with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3103 and 125.3502.
- (d) *Requirements prior to recommendation.* Before formulating recommendations for a special land use application, the planning commission shall require that both the following general standards in section 42-131 and any specific standards for uses listed in section 42-133 be satisfied. The planning commission shall review each application for the purpose of determining that each proposed use meets the following standards.

(Ord. No. 202, art. 7, § 2, 11-6-2017)

Sec. 42-131. - Required standards and findings for making determinations.

The planning commission shall review the particular circumstances of the special land use request under consideration in accordance with the requirements for a site plan review, and shall approve the special land use request only upon approval of the site plan and finding of compliance with the following standards:

(1) Standards for approval.

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- d. Be consistent with the intent, purpose and recommendations in the master plan.
- e. The proposed use will not have adverse impacts or be disturbing to existing or future neighboring uses.
- f. The proposed use will not create excessive additional requirements at public cost for public facilities, utilities and services.
- g. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

(2)

Public hearing. On the appointed date and time the planning commission shall conduct the public hearing on the proposed special use. The hearing may be adjourned to a date certain within a reasonable time for additional fact finding.

- (3) Action of the planning commission. Upon completion of the planning commissions review and upon completion of the public hearing the planning commission may consider a motion for approval, approval with conditions, or denial of the special use application and site plan request. The planning commission may postpone a request to a date certain to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues. Announcement of the date for the commission to decide upon the matter shall be announced in accord with the provisions of this chapter and the Open Meeting Act, Public Act No. 267 of 1976, as amended.
- (4) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.
- (5) The planning commission may recommend the imposition of the conditions in approving special uses that it deems necessary to fulfill the purpose and requirements of this chapter. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating any increased service and facility loads caused by the special land use or any activity connected with it, to protect the natural environment, conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the arrangement of the use of land in a socially and economically desirable manner.
- (6) Expiration of special land use permits, extension.
  - a. An approved special land use permit shall expire two years following approval by the planning commission. Upon written request stating the reasons therefor, the planning commission shall extend a special land use permit for an additional one-year period if the evidence shows the following:
    1. The conditions necessitating the delay in the construction and compilation of the project are reasonably beyond the control of the applicant.
    2. The requirements and standards, including those of this chapter that reasonably related to the development, have not changed.
    3. Development or redevelopment in the proximity of the approved special land use permit has not changed conditions impacting the site.
    - 4.



There has not been a change in state or federal law, local Charter, or other local ordinance prohibiting the construction or further construction of the approved project.

- b. An application for an extension of a special land use permit must be filed at least 60 days prior to the expiration of the original special land use permit or the expiration of any extension previously approved by the village, whichever is applicable. The application form for requesting an extension shall be provided by the village and can be obtained from the zoning administrator. An application fee for an extension is required and is nonrefundable. The village board shall, by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved special land use permit.
- c. Any such recommendation for an extension is subject to reasonable conditions requested by the planning commission, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to article X of this chapter.
- d. If a special land use permit expires pursuant to the above, no work pursuant to a special land use permit may be undertaken until a new special land use permit is obtained from the planning commission following the procedures contained in the zoning ordinance for a new special land use permit.

(Ord. No. 202, art. 7, § 3, 11-6-2017)

Sec. 42-132. - Amendments, denial or appeal of a special land use; determination and imposition of conditions.

A review of an application and site plan requesting a special land use permit shall be made by the planning commission in accordance with the procedures and standards specified in this chapter. If a submitted application and site plan does not meet the requirements of this chapter, they shall not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with this chapter, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this chapter will apply to the proposed special land use, the planning commission shall not grant a special land use permit. The planning commission may impose conditions with the approval of a special land use permit application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter or other applicable ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the zoning administrator. These conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused

by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

(Ord. No. 202, art. 7, § 4, 11-6-2017)

Sec. 42-133. - Validity and revocation of special land use permits.

- (a) *Validity of permit.* Once the special land use is established and the conditions of the permit are fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit as permitted by the planning commission. The planning commission reserves the right to review, with the applicant and the zoning administrator, the status of special land use permits on an annual basis.
- (b) *Permit revocation.* The planning commission shall have the authority to revoke special land use permits which have been approved following a public hearing which allows both the village and the applicant to argue and present evidence regarding whether the special land use permit should be revoked, if construction of the approved improvements does not proceed in conformance with the approval of the site plan and/or the property is not utilized in a manner which complies with the special land use permit. Upon discovery of a violation, the zoning administrator shall issue a stop-work order for any construction not in compliance with the permit and/or a notice to appear for a hearing before the planning commission. Notice of the hearing date shall be provided to the applicant no less than ten days prior to the date of the hearing.

(Ord. No. 202, art. 7, § 5, 11-6-2017)

Sec. 42-134. - Amendments and/or modifications to a special land use permit.

- (a) The zoning administrator may authorize insignificant deviations in special use permits if the resulting use will still meet all applicable standards and requirements of this chapter. A deviation is insignificant if the zoning administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
- (b) The planning commission may permit minor modifications in special use permits if the resulting use will still meet all applicable standards and requirements of this chapter. The planning commission may decide minor modifications without a formal application, public hearing, or payment of an additional fee. For purposes of this subsection, minor modifications are those the zoning administrator determines have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

- (c) All other requests for amendments to special use permits shall be processed in the same manner as new special use permit applications. The village may impose new conditions on the approval of an amendment request if such conditions are warranted. The holder of the special use permit may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing special use permit.
- (d) The holder of a special use permit may request changes under this section by making the request in writing to the zoning administrator. Approval of all changes must be given in writing.

(Ord. No. 202, art. 7, § 6, 11-6-2017)

Sec. 42-135. - Land uses requiring additional standards.

The following land uses have been determined to be those that serve an area larger than the village and as a result require additional standards for approval in addition to those addressed.

(Ord. No. 202, art. 7, § 7, 11-6-2017)

Sec. 42-136. - Junk yards.

- (a) All junk yard uses shall be established and maintained in accordance with all applicable state statutes.
- (b) The applicant shall be required to file a cash bond, performance bond or irrevocable letter of credit of sufficient amount, or other guarantees, to assure reclamation of the site.
- (c) The site shall be a minimum of ten acres in size.
- (d) A solid fence or wall at least eight feet in height shall be provided around the entire periphery of the site.
- (e) All activities, equipment, or material shall be confined within the fenced-in area and there shall be no stacking of material above the height of the fence, or wall.
- (f) All fenced-in areas shall be set back at least 100 feet from the front street or highway right-of-way line. Such front yard setback shall be landscaped with plant materials as approved by the planning commission to minimize the appearance of the installation.
- (g) No open burning shall be permitted.
- (h) Whenever the installation abuts upon property within a residential district, a transition strip at least 200 feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the planning commission to effectively minimize the appearance of the installation.
- (i) The use shall not be located in such a manner that the yard is below the grade of the highway or the adjacent property owner where the fence specified in subsection (d) of this section is rendered useless for screening the junk yard.



(Ord. No. 202, art. 7, § 8, 11-6-2017)

Sec. 42-137. - Mobile home park.

- (a) The number of mobile homes shall not exceed the number obtained by dividing the total square foot area of the mobile home park by 3,200.
- (b) Twenty-five feet shall be maintained between mobile homes, and between mobile homes and buildings.
- (c) Each mobile home site shall abut or face a concrete or asphalt surfaced driveway, roadway, or street of not less than 24 feet in width, which shall have unobstructed access to a public highway or street.
- (d) Each mobile home park providing more than four mobile home sites shall provide suitable playground area of not less than 300 square feet per mobile home.
- (e) Each mobile home park shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the state board of health and of the village engineer. No special permit for mobile home parks shall be granted until approved by the state board of health and the village engineer.
- (f) Electrical facilities provided to each lot must meet the electrical code requirements. Mobile home parks having ten or more lots must provide an overhead street light or night light operating at night. One street light must be provided for each ten lots or portion thereof within the park.
- (g) No certificate of occupancy shall be granted until after certification of compliance with the requirements of the village engineer. All special permits of mobile home parks shall be temporary and shall be valid only during the period that the park complies with the requirements of the village engineer.
- (h) Said mobile home park shall comply with all other applicable state statutes, rules and regulations.

(Ord. No. 202, art. 7, § 9, 11-6-2017)

Sec. 42-138. - Sand and gravel extraction.

- (a) From and after the effective date of the ordinance from which this chapter is derived, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the village without first submitting a site plan and procuring approval from the planning commission.
- (b) A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.

- (c) Site plan application. A separate site plan shall be required for each separate excavation or fill site, in addition to the site plan requirements listed in article VII of this chapter.
- (d) Site plan review (all districts); site plan data required. A site plan prepared under this section shall also include:
  - (1) Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
  - (2) Full legal description of the premises where operations are proposed.
  - (3) Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - (4) Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
  - (5) Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
  - (6) Such other information as may be reasonably required by the planning commission to base an opinion as to whether the site plan should be approved or not.
- (e) The sand and gravel operations application shall provide information to confirm compliance with the following standards:
  - (1) *Hours of operation.* The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site specific hours of operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:
    - a. Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
    - b. Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
    - c. Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
- (f) Screening. Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the planning commission, to protect adjoining properties and/or ensure the health, safety and welfare of persons near the site. Factors of safety and aesthetics shall be addressed.
- (g) Noise, dust, debris. All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 70 dBA at the property line. Any trucks

hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

- (h) Groundwater impact. Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and volume of flow.
- (i) Road impact. Extractive operations shall be managed and designed to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the planning commission. Dust caused by truck traffic of the entrance drive is to be treated as needed with dust suppression material.

(Ord. No. 202, art. 7, § 10, 11-6-2017)

Sec. 42-139. - Sexually oriented business.

The purpose and intent of this sections pertains to the regulation of sexually oriented businesses and their location and operation of, but not to exclude, sexually oriented businesses within the village, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of village residents. The provisions of this section are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this section to legitimize activities which are prohibited by village ordinance, state or federal law. If any portion of this section relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the village intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The village further states that it would have passed and adopted what remains of any portion of this section relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

- (1) No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,000 feet of any principal or accessory structure of another sexually oriented business.
- (2) No sexually oriented business shall be established on a parcel which is within 1,000 feet of any parcel zoned R-1 or R-2.
- (3)



No sexually oriented business shall be established on a parcel within 1,000 feet of any residence, park, school, child care organization, or place of worship, or other sexually oriented business. This distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.

- (4) The proposed use shall conform to all specific density and setback regulations, etc., of the zoning district in which it is located.
- (5) The proposed use must meet all applicable written and duly promulgated standards of the village and other governments or governmental agencies having jurisdiction, and to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- (6) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
- (7) Any sign proposed for the sexually oriented business must comply with the provisions of this chapter, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- (8) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
  - a. "Persons under the age of 18 are not permitted to enter the premises"; and
  - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- (9) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- (10) Hours of operation shall be limited to 8:00 a.m. to 12:00 midnight.
- (11) All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- (12) Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities:
  - a. Is handicap accessible to the extent required by the Americans With Disabilities Act;
  - b. Is unobstructed by any door, lock or other entrance and exit control device;
  - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

- d. Is illuminated by a light bulb of wattage of no less than 25 watts; and
- e. Has no holes or openings in any side or rear walls.

(Ord. No. 202, art. 7, § 11, 11-6-2017)

Sec. 42-140. - Transmission and communication towers (commercial), public utility microwaves and public utility T.V. or radio transmitting towers.

- (a) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities, shall be permitted by the planning commission after a public hearing when all standards of this section are met. All guy wires/cables and anchors associated with a proposed tower shall comply with the setback regulations of the zoning district in which located. Safety markings and/or physical barriers for all guy wires and anchors may be required by the planning commission, upon a finding that such safety markings and/or physical barriers are necessary for the public safety or for the safety of the occupants of the property on which the guy wires or anchors will be located. In addition, except as provided herein, each such proposed tower shall be set back from a public or private road right-of-way and shall be set back from a lot line a distance equal to the tower safety zone. The planning commission, however, may reduce the setback distance, but in no event less than the applicable setback requirement for structures in the zoning district in which located, if it finds all of the following standards are met:
  - (1) The established tower safety zone shall not extend into a public or private road right-of-way or onto an adjacent lot in an area where an existing residential structure is located under the requirements of this chapter.
  - (2) If any portion of the established tower safety zone is located on an adjacent lot, the owners of the adjacent lot shall consent in writing to the reduced setback and shall agree to record deed restrictions acknowledging and accepting the potential increased risk, due to the reduced setback. Such deed restrictions shall run with the adjacent lot for as long as the tower is erected. The deed restrictions shall be in recordable form and shall be subject to the approval of the village attorney.
  - (3) Due to existing topography, existing structures, vegetation or other existing natural or human-made features, the proposed location of the tower with the reduced setback shall be no more visually obtrusive than the location of the tower under the normal setback regulations.
- (b) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the planning commission) unless the applicant can demonstrate that such a

structure cannot accommodate the user or future co-locators. Towers shall have a neutral surface finish color to reduce the visual obtrusiveness, except as otherwise required by a state or federal agency.

- (c) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- (d) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities, shall be enclosed by a security fence not less than six feet in height. The planning commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- (e) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers, and their attendant facilities, shall be effectively screened to obscure views of the tower base, shelter, security fencing or guy wire anchors from adjacent uses and public rights-of-way.
- (f) Transmission and communication towers, public utility microwaves and public utility T.V. or radio transmitting towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the planning commission shall cause the least disturbance possible.
- (g) The approval for any of the above-mentioned towers shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- (h) The applicant shall be responsible for the maintenance of any permitted tower, in a safe condition, for as long as the tower remains in operation, and shall dismantle the tower within nine months after operations cease. The applicant shall post a bond for the dismantling of the tower, the amount of which shall be based on the size and type of tower.
- (i) The multiple-use of each tower shall be encouraged to limit the number of towers within the village. The village reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.
- (j) No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower, thereby jeopardizing the tower's structural integrity.
- (k) The installation and/or operation of the above-mentioned towers, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
- (l)



The maximum height for a transmission and communication tower, utility microwave, and public utility T.V. or radio transmitting tower shall be 99 feet. The planning commission may approve an increased height for these towers, not to exceed 300 feet, if both of the following conditions are met:

- (1) The need for the increased height is the result of a stand of trees, existing land forms, or structures that would substantially hinder the reception/transmission of an antenna on the tower.
- (2) The increased height is the minimum necessary to achieve a reasonable level of antenna reception/transmission on the tower. A reasonable level of antenna reception is not equivalent to maximizing the antenna reception. The planning commission shall not grant the increased height if the reasonable level of antenna reception/transmission is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

(Ord. No. 202, art. 7, § 12, 11-6-2017)

Sec. 42-141. - Commercial medical marihuana facilities.

- (a) A commercial medical marihuana facility may be authorized to operate within the village by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the rules promulgated thereunder, and all applicable local ordinances.
- (b) No commercial medical marihuana facility shall be located within 1,000 feet of any school, with the minimum distance being measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles, to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school.
- (c) All commercial medical marihuana facilities shall be located within the boundaries of the commercial marijuana facilities (CMF) overlay district as defined and authorized under this section as amended.
- (d) Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:
  - (1) The placement of the container shall be subject to site plan review.
  - (2) Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
  - (3) All containers shall rest on a concrete pad.
  - (4) A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
  - (5)

The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

(e) A commercial medical marihuana facility shall be reviewed in consideration of the following:

- (1) *Lighting.* The placement and arrangement of outdoor lighting serving the facility shall provide adequate security and visibility.
- (2) *Noise.* Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
- (3) *Odor.* Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
- (4) *Environmental.* Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
- (5) *Traffic.* A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominantly residential area.
- (6) *Security.* Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
- (7) *Impact on neighboring property.* Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.
- (8) *Annual review.* A facility shall be subject to an annual review by the Planning Commission to confirm compliance with the Special Land Use Permit and the provisions of this article.

(Ord. No. 2019-002, § IV, 9-9-2019)

Sec. 42-142. - Adult-use (recreational) marihuana facilities.

- (a) A marihuana establishment may be authorized to operate within the village by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.
- (b) No marihuana establishment shall be located within 1,000 feet of any school, with the minimum distance being measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles, to the centerline, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school.

- (c) All marihuana establishments shall be located within the boundaries of the commercial marijuana facilities (CMF) overlay district as defined and authorized under Article 6, Section 1 as amended.
- (d) Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the following:
  - (1) The placement of the container shall be subject to site plan review.
  - (2) Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
  - (3) All containers shall rest on a concrete pad.
  - (4) A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
  - (5) The container, screening wall, fence, and gate shall be maintained in a neat and orderly manner, free from debris.
- (e) A marihuana establishment shall be reviewed in consideration of the following:
  - (1) *Lighting*. The placement and arrangement of outdoor lighting serving the facility shall provide adequate security and visibility.
  - (2) *Noise*. Noise and vibration shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
  - (3) *Odor*. Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
  - (4) *Environmental*. Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
  - (5) *Traffic*. A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominantly residential area.
  - (6) *Security*. Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
  - (7)



*Impact on neighboring property.* Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

- (8) *Annual review.* A facility shall be subject to an annual review by the planning commission to confirm compliance with the special land use permit and the provisions of this section.

( Ord. No. 2019-005, § IIIA, 10-7-2019)

**Editor's note—** Ord. No. 2019-005, § IIIA, adopted October 7, 2019, added provisions that were not specifically amendatory. At the editor's discretion, said provisions have been added as § 42-142.

Secs. 42-143—42-162. - Reserved.

## ARTICLE V. - SITE DEVELOPMENT STANDARDS

### Sec. 42-163. - General.

This article addresses site elements such as, but not limited to, parking, loading and unloading space, landscaping, fences and drives. In addition to requirements prescribed in this article, the provisions of article I of this chapter also apply.

(Ord. No. 202, art. 8(intro. ¶), 11-6-2017)

### Sec. 42-164. - Parking and loading regulations.

It is the intent of this chapter that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premises constructed, altered or enlarged under the provisions of this chapter. All vehicles shall be stored on the premises occupied by the principal building, but may be stored on premises located outside the premises within specifically limited walking distances as specified in this article.

(Ord. No. 202, art. 8, § 1, 11-6-2017)

### Sec. 42-165. - Requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The proper number of parking spaces for any given use as specified in this article shall be provided.

Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

- (2) Location of off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant on the site plan.
- (3) The number of required off-street parking spaces may be reduced by the number of on-street parking spaces directly in front of the subject property.
- (4) The joint use of parking facilities in a PD shall be approved by the planning commission as part of the PD review and approval process, all other joint use of parking facilities by two or more uses may be granted by the planning commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
  - a. The total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately and discounted based on the table in section 42-166.
  - b. A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the register of deeds of the county. The agreement shall include a guarantee for continued long-term use and maintenance of the parking facility by each party.
- (5) In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be in accord with the use which the zoning administrator considers is similar in type. The zoning administrator may consult parking standards publications from the American Planning Association and other parking ordinances from adjacent communities in making a determination.
- (6) Off-street parking areas shall not be used for commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons, unless a dual use agreement is in place as provided in subsection (4) of this section.
- (7) Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premises use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity. Additional parking shall be provided at the time of enlargement and prior to receipt of a certificate of zoning compliance.
- (8)

The outdoor parking of motor vehicles in residential districts shall be limited to registered and licensed passenger vehicles and commercial vehicles built on a chassis which is rated one ton or less and not exceeding 10,000 pounds in gross vehicle weight, except when said vehicles are associated with the use permitted by a special use permit pursuant to article IV of this chapter.

- (9) No parking area or parking space or loading area which exists at the time this section becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter unless and until equal or better facilities are approved and provided.
- (10) The right-of-way of any village street or state highway shall not be used for off-street parking or loading without the written permission of the county road commission for county roads, the village for local streets or the state department of transportation for state highways, as applicable.

(Ord. No. 202, art. 8, § 2, 11-6-2017)

Sec. 42-166. - Parking space requirements.

- (a) All land uses shall provide parking spaces that conform with the requirements of this section.
- (b) Definitions. The following terms used in this section have special definitions as provided below:
  - (1) Requirements for parking stated in terms of "employees" shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
  - (2) The term "floor area" is as defined in section 42-9.
  - (3) "Fractional spaces." When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
  - (4) The term "parking" includes the surface area required for the parking space as specified in Table 8-1, and is in addition to that surface area required for maneuvering lanes in Table 8-1.
  - (5) "Seating capacity." When benches, pews or other similar seating is used, each 18 inches of said seating shall be counted as one seat, unless the standard specifies otherwise.
- (c) Table 8-1 provides the specific off-street parking space requirements for each common land use.

Table 8-1. Off-Street Parking Requirements

	<i>Minimum</i>	<i>Maximum</i>	<i>Measurement</i>
<i>Residential</i>			



Single-family dwelling	2	N.A.	Per unit
Multiple-family dwelling	1.5	1.5	Per unit
<i>Nonresidential</i>			
Agricultural uses	Exempt		
Automotive sale and services	3.5	4	Per 1,000 GFA
Consumer/personal services	2	3	Per 1,000 GFA
Eating and drinking establishments	1	1.5	Per 3 seats
Office uses	2.5	3	Per 1,000 GFA
Places of assembly	1	1	Per 3 seats or number permitted by Fire Code
Commercial and retail business uses	3	4	Per 1,000 GFA
Schools	1	1	Per classroom
<i>Plus</i>	1	1	Per each ten seats in auditorium
Other uses not listed or classified	Determined by planning commission		

Sec. 42-167. - Parking site requirements.

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements:

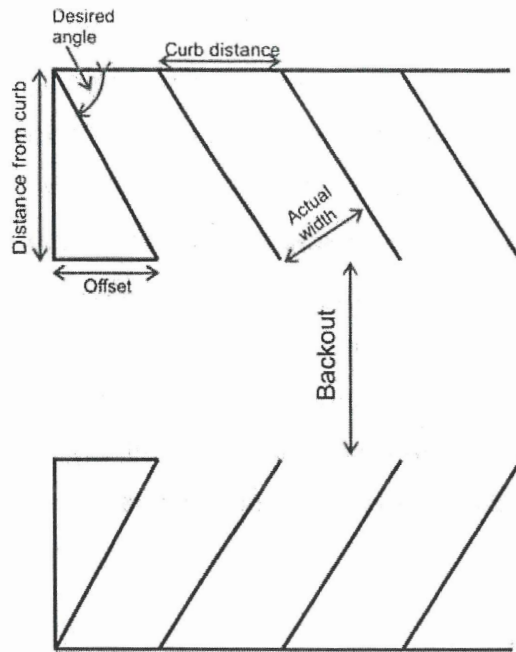
- (1) No parking lot shall be constructed until a permit therefor is issued by the zoning administrator and by the soil erosion and sedimentation control agent.
- (2) Before such permit is issued, plans and specifications shall be submitted to the zoning administrator showing the location, capacity, size, site, design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping and any other detailed features essential to the design and construction of the proposed parking facility.
  - a. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements of Table 8-2.
  - b. Parking spaces are designed to yield a parking space nine feet by 18 feet with adequate room for maneuvering in and out of the space.

Table 8-2. Layout of Off-Street Parking Facilities

<i>Angle</i>	<i>From Base Line</i>	<i>Along Curb</i>	<i>Offset</i>	<i>Backout</i>
90 degrees	18'	9'	0'	24'
75 degrees	17'	9'4"	4'6"	22'
60 degrees	16'	10'4"	9'	20'
45 degrees	15'	12'7"	15'	19'

- c. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern as follows and illustrated on Figure 8-1:
  1. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of 12 feet.
  2. All maneuvering lane widths shall permit one-way traffic movement, except for the 90 degree pattern, which may provide for two-way traffic movement.

3. For parallel parking, one-way.



- d. Adequate ingress and egress to the parking lot by means of clearly-defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use. Access management requirements in article I of this chapter shall also be conformed with.
- e. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- f. All off-street parking areas abutting residential districts shall be provided with an obscuring fence no less than four feet in height. Such fences shall be constructed of materials approved by the permit issuing authority and shall be durable, weather-resistant and easily maintained.
- g. Except for single-family and two-family residential lots, all parking areas, including parking spaces, maneuvering lanes and access drives, shall be provided with a durable, smooth and dustless surface; and shall be graded and drained to dispose of all collected surface water.
- h. Except for single-family residential lots, all parking areas with a capacity of six or more vehicles shall provide adequate lighting throughout the hours when the parking areas are in operation. All lighting shall be installed as to be confined and directed into the parking area only with applicable lighting requirements.
- i.



A no-building buffer strip not less than ten feet wide shall be required on the perimeter of all parking lots. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

- (3) All parking areas containing over 2,700 square feet or more of parking areas, including access drives thereto, shall be effectively landscaped with planting strips on all sides adjacent to or visible from surrounding properties and on all sides of a public street.
- (4) Whenever a development requiring off-street parking has parking areas containing over 2,700 square feet or more, provision shall be made for on-site snow storage area in addition to the required parking lot area. Snow storage shall be provided on the ratio of 15 square feet per 100 square feet of parking lot surface area. Snow storage areas shall be located in such manner that when utilized they do not interfere with clear visibility of traffic or adjacent streets and highways and the landscaping is protected from damage.

(Ord. No. 202, art. 8, § 4, 11-6-2017)

Sec. 42-168. - Loading and unloading requirements.

- (a) On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated public streets. Such space shall be provided as follows:
  - (1) Loading space required under this section shall be provided as areas additional to the off-street parking space required in section 42-166 and shall not be considered as supplying off-street parking space.
  - (2) There shall be provided adequate space for standing, loading and unloading services not less than 12 feet in width, 25 feet in length and 14 feet in height (open or enclosed) for all uses listed in Table 8-1 or for similar uses involving the receipt or distribution by vehicles of materials or merchandise.
  - (3) In all nonresidential districts, off-street loading and unloading shall be provided according to the following provisions:
    - a. For office buildings of less than 20,000 square feet in gross floor area, at least one loading space with minimum dimensions of ten feet by 20 feet, separate from off-street parking, shall be provided and may be located in any yard except the front yard.
    - b. For office buildings greater than 20,000 square feet, loading shall be provided at the ratio of one space for each 40,000 square feet above 20,000 square feet.
    - c. For commercial uses, loading shall be provided as set forth in subsection (a)(3)a of this section, or at a ratio of ten square feet per front foot of building, whichever is the lesser amount.
    - d.

For automobile service stations, required loading space may be located in any yard except the front yard.

(4) Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley as determined by the site plan review committee.

(b) Off-street loading spaces and access drives shall be paved, drained, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone.

(Ord. No. 202, art. 8, § 5, 11-6-2017)

#### Sec. 42-169. - Landscaping, buffering and screening.

The purpose of this article is to provide regulations and requirements for fencing, landscaping, berming or screening of the perimeter of certain activities in order to protect the character of the surrounding area, prevent trespassing into unsafe areas, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration and reduce noise.

(Ord. No. 202, art. 8, § 6, 11-6-2017)

#### Sec. 42-170. - Right-of-way protection and public safety.

No trees or shrubs shall be planted within a public right-of-way without the prior written consent of the appropriate public agency responsible for maintaining the right-of-way. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, or pedestrians. Landscape materials shall not obstruct the operation of fire hydrants, electrical or other utility lines or facilities.

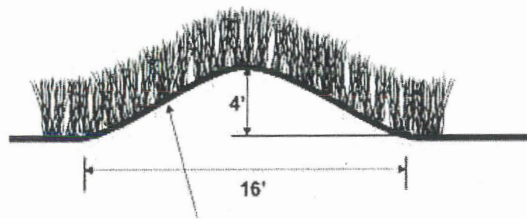
(Ord. No. 202, art. 8, § 7, 11-6-2017)

#### Sec. 42-171. - Required vegetation.

A greenbelt, buffer strip, or berm, as required by this chapter or as a condition to the approval of a site plan, special use permit, planning unit development permit or variance, shall be installed and maintained in a healthy living condition for the duration of the use of property in accordance with the following requirements:

- (1) *Greenbelts.* A greenbelt shall consist of an open space strip running along the property line at least 30 feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner.
- (2) *Buffer strips.* A buffer strip shall consist of a landscaped strip at least 15 feet in width containing at least two trees plus one additional tree for each 20 feet in length of the buffer strip. Said trees shall be at least 1¾ inches in caliper measured six inches above ground level. Dead or dying trees shall be replaced within eight months. Grass or other plant ground cover, mulch, or ornamental bark or stone, shall completely cover the area not planted in trees or shrubs.
- (3) *Berms.* A berm shall consist of a linear mound of earthen material rising to a height of at least four feet with a minimum base of 16 feet covered and maintained as grass, ground cover, shrubs or other approved vegetation and constructed in accordance with the diagram below, or with a base of at least four times the desired height of the berm. See Figure 8-2.

**BERM DIMENSIONS**



- (4) Plant material spacing.
  - a. Except as provided below, plant materials shall not be placed closer than four feet from the fence line property line.
  - b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
  - c. Evergreen trees shall be planted not more than 20 feet on centers, and shall be not less than five feet in height, nor closer than five feet to an adjoining property line.
  - d. Narrow evergreens shall be planted not more than six feet on centers, and shall not be less than three feet in height.
  - e. Tree-like shrubs shall be planted not more than ten feet on centers, and shall be not less than four feet in height.
  - f. Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than six feet in height.
  - g. Large deciduous trees shall be planted not more than 20 feet on centers, and shall not be less than eight feet in height, nor closer than ten feet to an adjoining property line, unless approved by the neighboring property owner.



- (5) *Required plant materials.* Only those plant materials listed on the "Recommended Plant List" from the Northwest Michigan Invasive Species Network, as amended, shall be used for greenbelts, buffer strips, berms, and general landscaping.

(Ord. No. 202, art. 8, § 8, 11-6-2017)

Sec. 42-172. - Drives and accessways.

Necessary drives and accessways from public rights-of-way through such buffer strips shall be permitted, provided that such accessways shall not be subtracted from the lineal dimension used to determine the required number of plants.

(Ord. No. 202, art. 8, § 9, 11-6-2017)

Sec. 42-173. - Side and rear yard landscaping and fencing options.

In any situation requiring either a greenbelt, buffer strip or berm to meet the requirements, the landowner has the option in fulfilling landscaping requirements with a fence approved by the zoning administrator.

(Ord. No. 202, art. 8, § 10, 11-6-2017)

Sec. 42-174. - Parking lot landscaping and loading space fencing.

- (a) Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one tree for every eight parking spaces, with minimum landscaped space within a designated parking area of 50 square feet. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. This distance shall be increased if the volume of snow to be plowed from the parking lot requires a larger storage area.
- (b) Landscaping along the perimeter of the parking lot shall meet the requirements for a buffer strip.
- (c) Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than four feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone.

(Ord. No. 202, art. 8, § 11, 11-6-2017)

Sec. 42-175. - Landscaping for all other properties requiring site plan review.

- (a) In addition to any greenbelt, buffer strip, berm and/or parking lot landscaping required by this article, ten percent of the site area, excluding existing thoroughfare rights-of-way, shall be landscaped.
- (b) Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five percent of the site area.

(Ord. No. 202, art. 8, § 12, 11-6-2017)

Sec. 42-176. - Screening of trash.

All areas used for the storage of trash or rubbish, including dumpsters and other commercial containers, shall be screened by a solid fence or dense plant materials no less than six feet in height. If a fence is used, view-obstructing doors at least six feet in height shall be installed and kept closed except when accessing.

(Ord. No. 202, art. 8, § 13, 11-6-2017)

Sec. 42-177. - Existing screening.

Any fence, landscape screen, wall or hedge which does not conform to this chapter and which is legally existing at the effective date of the ordinance from which this chapter is derived may be continued and maintained, provided there is not physical change other than necessary maintenance and repair; unless otherwise regulated by this chapter.

(Ord. No. 202, art. 8, § 14, 11-6-2017)

Sec. 42-178. - Maintenance.

It shall be the owner's responsibility to see that the landscaping is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

(Ord. No. 202, art. 8, § 15, 11-6-2017)

Sec. 42-179. - Fences, walls and screens.

Fence, wall and screen requirements are as follows:

- (1) Whenever a use is established or substantially improved in a nonresidential district and the lot abuts a residential district, a fence at least six feet in height shall be erected along the common lot by the nonresidential use unless the abutting lot owner in the residential district signs a waiver for this requirement and a buffer strip or berm shall be installed instead.

- (2) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height, measured from the surface of the ground. Fences located in the front yard or beyond the front of the dwelling unit shall not exceed three feet in height, measured from the surface of the ground, and shall have at least a 75 percent open area. No fence, wall, planting or structure shall, within ten feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway. All fences shall be constructed so as to allow the passage of air through the fence to an adjacent dwelling.
- (3) Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in the "I" district), glass, spikes, or other sharp protruding objects.
- (4) Notwithstanding subsection (3) of this section, security fences six feet high or more may include up to 18 inches of barbed wire in an industrial area, surrounding a public utility, or around a police or corrections facility.
- (5) All fences shall have the finish side facing out, away from the property on which the fence is located.
- (6) Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this chapter. No site plan review is required for a fence which conforms with chapter standards. The zoning administrator may waive site plan review for a fence in any other district if no other structural changes or changes in the design or layout of the site are proposed.
- (7) The zoning administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition.
- (8) The location, design and construction of the fence shall not hinder emergency response.

(Ord. No. 202, art. 8, § 16, 11-6-2017)

Sec. 42-180. - Time to complete and performance guarantee.

- (a) *Time period to complete.* The required improvements are to be completed within one year of the issuance of the zoning permit. In the event of unusual delays, or adverse weather conditions that make it impossible to plant, the planning commission may grant a single extension of the time limit for a further period of not more than six months.
- (b) *Occupancy.* No occupancy of land shall occur unless the parking and landscape improvements have been completed or a performance guarantee to cover the cost of the contemplated improvements, as estimated by the zoning administrator, has been deposited with the village pursuant to the requirements of this chapter.
- (c)



*Performance guarantee.* The planning commission may, on multiple-family residential properties, PDs and nonresidential land properties, due to weather conditions, seasonal availability of plant materials, or other factors, require a performance guarantee equal to the estimated cost of the plant material and installation cost. Such performance guarantee shall be related to the various vegetation or planting plans shown on the site plan. Such performance guarantee shall be processed according to the requirements of this chapter.

(Ord. No. 202, art. 8, § 17, 11-6-2017)

Sec. 42-181. - Waiver or modification of landscaping, buffering and fencing regulations.

Any of the requirements of this article may be waived or modified through site plan approval, provided the planning commission makes a written finding that specifically identified characteristics of the site or site vicinity would make required landscaping, fencing, buffering or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

(Ord. No. 202, art. 8, § 18, 11-6-2017)

Sec. 42-182. - Bicycle parking requirements.

- (a) *Scope of regulations.* Bicycle parking facilities, which include bicycle parking spaces and access aisles, shall be provided as required for all new structures and uses established or for changes in use as of the effective date of this provision.
- (b) *Size.* Required bicycle parking spaces shall be at least two feet by six feet. An access aisle of at least five feet shall be provided in each bicycle parking facility. Such space shall have a vertical clearance of at least six feet.
- (c) *Design and maintenance.* Accessory off-street parking for bicycle parking shall include provisions for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location. The surfacing of such facilities shall be designed and maintained to be mud and dust free.
- (d) *Location.* Bicycle parking facilities shall be located in a clearly designated safe and convenient location. The design and location of such facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of automobile parking spaces provided.
- (e) *Schedule of required off-street bicycle parking facilities.* Bicycle parking facility spaces shall be provided in adequate number as determined by the zoning administrator. In making the determination, the zoning administrator shall consider, when appropriate, the number of

dwelling units or lodging rooms, the number of employees, and the number of automobile parking spaces in accordance with the following guidelines:

Table 8-3. Bicycle Requirements

<i>Land Use</i>	<i>Bike Space</i>
Bed and breakfast and tourist homes	One per three lodging rooms
Hotels and motels	One per 20 employees and one per ten rental rooms
Places of assembly, recreation, entertainment, and amusement	One per ten automobile parking places
Commercial establishments	One per 15 automobile parking places; up to a maximum of ten bicycle parking spaces

(Ord. No. 202, art. 8, § 19, 11-6-2017)

Sec. 42-183. - Signage.

- (a) The purpose of this section is to regulate commercial and noncommercial outdoor signs in a manner which recognizes the communication needs of both businesses and other parties; protects property values and neighborhood character; creates a more attractive business climate; promotes pedestrian and traffic safety by reducing sign distractions, obstructions and other hazards; and promotes pleasing community environmental aesthetics.
- (b) Compliance with this chapter does not relieve the applicant of the responsibility for compliance with other village, state or federal sign regulations, nor does the issuance of a zoning permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a zoning permit only assures the applicant that the sign meets the requirements of this chapter.
- (c) Except as otherwise provided in this section, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a zoning permit has been issued in accordance with the provisions of this chapter. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

- (d) The following signs are permitted without a zoning permit, but shall conform to the requirements set forth herein as well as all other applicable requirements of this article:
- (1) One sign not exceeding six square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification.
  - (2) Signs not exceeding 2½ square feet in sign face, on mailboxes or newspaper tubes, and signs posted on private property relating to private parking, or warning the public against trespassing or danger from animals.
  - (3) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification, and informational signs, including historical markers, traffic, directional, and regulatory signs.
  - (4) Official signs of a noncommercial nature erected by public utilities.
  - (5) Flags, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising service.
  - (6) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
  - (7) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
  - (8) Informational signs not exceeding one square foot in sign face.
  - (9) A total of two banners, one banner and one commercial advertising flag, or two commercial advertising flags, each such banner or commercial advertising flag not to exceed 24 square feet in sign face, used to attract attention to a community activity or event.
  - (10) Street name signs located in accord with the village and/or county road commission standards at street intersections, not to exceed one square foot in sign face.
- (e) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- (f) A two-sided or multi-sided sign shall be regarded as one sign so long as:
- (1) With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and
  - (2) With respect to double-faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.
- (g) Table 8-4 includes the type and size of sign by zoning district.

Table 8-4. Signs Requiring Permit



<i>Zoning District</i>	<i>Freestanding Ground Sign not higher than 6 feet above grade</i>	<i>Wall Sign; wall or projecting</i>	<i>Percent of Windows Used for Signs</i>
All Zoning Districts	32 square feet per sign face; maximum 2 sign faces	32 square feet for wall sign; 16 square feet for projecting sign with maximum of 2 sign faces	0%

- (h) Off-premises highway advertising signs are those signs and sign structures which are defined and regulated by the state department of transportation pursuant to the Highway Advertising Act of 1972, Public Act No. 106 of 1972, as amended, and as further regulated by this chapter. Permits are required from MDOT for signs along state and federal highways.
- (i) Prohibited signs. The following signs shall not be allowed in any district:
- (1) Signs that are not consistent with the standards of this chapter;
  - (2) Signs which are not clean or in good repair;
  - (3) Signs that are not securely affixed to a substantial structure;
  - (4) Signs that resemble any official traffic sign or appear to attempt to direct the movement of traffic, or are located where they interfere with motorist's view of intersections or driveways;
  - (5) Revolving, moving, or flashing signs (except time, date and weather signs), pennants, streamers, and airborne devices;
  - (6) Signs other than utility company signs attached to utility poles; and
  - (7) Portable signs.
- (j) Signs remaining after a business or activity has terminated must be removed within 90 days.
- (k) Sign setbacks and height requirements shall comply with the following:
- (1) Setbacks. For the purpose of establishing sign setback requirements from an abutting roadway, signs shall meet or exceed the front yard setback for the respective zoning district.
  - (2) No sign may extend above any parapet or be placed upon any roof surface, except that, for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays,

including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(3) No wall sign attached to a building may project more than 12 inches from the building wall.

(l) Sign illumination shall comply with the following requirements:

(1) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this subsection (l).

(2) No sign within 150 feet of a residential zone may be illuminated between the hours of 12:00 midnight and 6:00 a.m.

(3) Except as herein provided, illuminated signs are not permissible in the residential zoning districts.

(4) Illuminated tubing or strings of lights that outline property lines, building facades, sign faces, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(5) No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

(6) Subsections (l)(4) and (5) do not apply to temporary signs erected in connection with the observance of holidays.

(Ord. No. 202, art. 8, § 20, 11-6-2017)

Secs. 42-184—42-203. - Reserved.

## ARTICLE VI. - LAND DEVELOPMENT OPTIONS

Sec. 42-204. - Purpose.

- (a) The purpose of this article is to allow and encourage alternative designs for residential developments, site condominiums or subdivisions in order to maintain the open and natural space and protect the small-town character of the village.
- (b) The village encourages use of land development options to conventional developments because they promote the location of dwelling units to be sited on those portions of a property most suitable for development, while leaving substantial portions as undeveloped open space. These developments may also include a variety of lot sizes ranging from large farm or estate lots to small lots resulting in the preservation of contiguous open space and important environmental resources.
- (c) The standards for permitted uses in each district are designed to protect these features. By allowing the use and application of flexible development standards, developments shall be designed to protect and enhance the natural features to an equal or greater degree than if the

development were to proceed under the standard guidelines for permitted uses in each underlying land use district. Provisions outlined in this article are adopted pursuant to Public Act No. 110 of 2006, known as the Michigan Zoning Enabling Act.

- (d) Subject to section 42-217, property owners can utilize either the cluster housing or planned development provisions to develop their property as residential. Planned development provisions may also be used for nonresidential developments pursuant to the provisions of this section.

(Ord. No. 202, art. 9(intro. ¶), 11-6-2017)

#### Sec. 42-205. - Planned development.

The planned development (PD) option is intended to allow, with village approval, private or public development, which is substantially in accord with the goals and objectives of the village master plan and future land use map. In reviewing a PD plan, the planning commission shall consider the following objectives:

- (1) The development allowed under this article shall be considered as an optional means of development in the village.
- (2) Use of the PD option will allow flexibility in the control of land development by encouraging innovation through an overall development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; and provide proper housing including workforce housing, employment, service and shopping opportunities suited to the needs of the residents of the village.
- (3) It is further intended the planned development may be used to allow nonresidential uses of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to permit densities or lot sizes which are different from the applicable district; and to allow the mixing of land uses that would otherwise not be allowed, provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce sprawl, and be consistent with the village master plan and future land use plan map.
- (4) It is further intended the development will be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

(Ord. No. 202, art. 9, § 1, 11-6-2017)

#### Sec. 42-206. - Criteria for qualifications.

To qualify for the planned development option, it must be demonstrated that all the following criteria will be met:



- (1) The use of a planned development shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.
- (2) The planned development shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.
- (3) The planned development option may be granted only when the proposed land use will not materially add service and facility loads beyond those considered in the village master plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the village that such added loads will be accommodated or mitigated by the proponent as part of the planned development.
- (4) The planned development must promote the goals and objectives of the village master plan and meet any combination of four of the following objectives:
  - a. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
  - b. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
  - c. To accept dedication or set aside open space areas in perpetuity.
  - d. To provide alternative uses for parcels which can provide transition buffers to residential areas.
  - e. To foster the aesthetic appearance of the village through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
  - f. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
  - g. To promote the use of smart growth designs such as Traditional Neighborhood Design (TND) consistent with the principles of the Congress for New Urbanism.
  - h. To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201(h).

(Ord. No. 202, art. 9, § 2, 11-6-2017)

Sec. 42-207. - Submittal and request for qualification.

- (a) Any person **owning** or controlling land in the village may make application for consideration of a planned **development**. Such application shall be made by presenting a request for a preliminary determination **to** whether a parcel qualifies for the PD option.
- (b) A request shall **be** submitted to the village. The submission shall include the information required below.
- (c) Based on the **documentation** presented, the village planning commission shall make a preliminary **determination**, within 45 days from receipt of the application, about whether a parcel qualifies for the **PD** option under section 42-206. The submittal must include:
  - (1) Proof the **criteria** set forth in section 42-206, are or will be met.
  - (2) A schematic **land** use plan containing enough detail to explain the role of open space; site drainage and **stormwater** mitigation, location of land use areas, streets providing access to the site, **pedestrian** and vehicular circulation within the site; dwelling unit density and types; and buildings **or** floor areas contemplated, as applicable.
  - (3) A plan to **protect** natural features or preservation of open space or greenbelts.
- (d) The village **planning** commission shall review the applicant's request for qualification. If approved, the applicant **may** then continue to prepare a PD plan on which a final determination will be determined.

(Ord. No. 202, art. 9, § 3, 11-6-2017)

Sec. 42-208. - Uses permitted.

- (a) A land use plan **shall** be proposed for the area to be included within the PD. The land use plan shall be defined **by** the zoning ordinance districts that are most applicable to the various land use areas of the PD.
- (b) Uses permitted **and** uses permitted subject to special land use in this chapter may be allowed within the districts **identified** on the PD plan. Conditions applicable to uses permitted subject to special approval **shall** be used as guidelines for design and layout but may be varied by the village planning **commission** provided such conditions are indicated on the PD plan.

(Ord. No. 202, art. 9, § 4, 11-6-2017)

Sec. 42-209. - Height, bulk, **density** and area standards.

The standards about **height**, bulk, density, and setbacks of each district shall be applicable within each district area designated on **the** plan except as specifically modified and noted on the PD plan.

(Ord. No. 202, art. 9, § 5, 11-6-2017)

- (a) The application, reports, and drawings shall be filed in paper and digital format. All drawings shall be provided to the village in the most recent release of a computer aided design format acceptable to the village planning commission. Other graphics and exhibits, text and tabular information shall be provided in a pdf format. The site plans must meet the scale requirements in article VII of this chapter and all submittal requirements in article VII of this chapter.
- (b) Submittal of proposed PD plan. An application shall be made to the village for review and recommendation by the village planning commission of the following:
  - (1) A boundary survey of the exact acreage prepared by a registered land surveyor or civil engineer.
  - (2) A topographic map of the entire area at a contour interval of not more than two feet. This map shall show all major stands of trees, bodies of water, wetlands and unbuildable areas. Should the topography of the site have significant slope, the village planning commission may increase the contour interval to no more than five feet; however, the integrity and intent of the map may not be compromised due to this interval change.
  - (3) A proposed development plan showing the following:
    - a. Land use areas.
    - b. Vehicular circulation including major drives and location of vehicular access including cross sections of public streets or private places.
    - c. Transition treatment, including minimum building setbacks to land adjoining the PD and between different land use areas within the PD.
    - d. The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.
    - e. The general location of residential unit types and densities and lot sizes by area.
    - f. Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.
    - g. The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.
    - h. A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
    - i. A preliminary grading plan, showing the extent of grading and delineating any areas which are not to be graded or disturbed.
    - j. A public or private water distribution, storm and sanitary sewer plan.
    - k.



A written statement explaining in detail the full intent of the applicant, showing dwelling unit types or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.

- I. Written documentation from the village fire department acknowledging their review of the plans and outlining any recommendations for modifications, if any.

(4) If requested by the village planning commission, the applicant shall submit the following:

- a. *Market study.* Components of this study should include a definition of the market, analysis of data pertaining to the market problem, the type and amount of market supportable real estate, and absorption rate(s) needed to sell and/or occupy the property within the project.
- b. *Traffic impact study.* Components of this study should include an assessment of existing traffic counts and movements, forecast of additional traffic based on ITE traffic/trip generation manual, and improvements necessary to accommodate and/or mitigate the increased traffic resulting from the proposed project.
- c. *Environmental impact assessment.* Components of this study should include a statement of the purpose and need of the proposed project, description of the affected environment, range of alternatives to the proposed action, analysis of environmental impacts such as threatened or endangered species, air and water quality impacts, impacts to historic and cultural sites, and social and economic impacts.

(5) A pattern book or design guidelines manual if requested by the village planning commission.

(Ord. No. 202, art. 9, § 6, 11-6-2017)

Sec. 42-211. - Approval of planned development.

- (a) On receiving the report and recommendation of the village planning commission, and after a public hearing, the village planning commissions attorney will prepare a contract setting forth the conditions on which such approval is based. Once the contract is prepared it shall be signed by the village and the applicant.
- (b) The agreement shall become effective on execution after its approval. The agreement shall be recorded at the county register of deeds office.
- (c) Once an area has been included with a plan for PD and the village has approved such plan, no development may take place in such area nor may any use of it be made except under such plan or under an approved amendment, unless the plan is terminated.
- (d) An approved plan may be terminated by the applicant or the applicant's successors or assigns, before any development within the area involved, by filing with the village and recording in the county records an affidavit so stating. The approval of the plan shall terminate on such recording.
- (e)

No approved plan shall be terminated after development begins except with the approval of the village planning commission and of all parties in interest in the land.

- (f) Within one year following approval of the PD contract by the village planning commission, final plats or site plans for an area embraced within the PD must be filed as provided. If such plats or plans have not been filed within the one-year period, the right to develop under the approved plan may be terminated by the village.
- (g) Approval of PD by the village planning commission shall also constitute an approved revision of the official zoning map, which shall delineate the boundaries of the approved PD and its date of approval.

(Ord. No. 202, art. 9, § 7, 11-6-2017)

Sec. 42-212. - Submission of final plat, site plans.

Before any permits are issued for the PD, final plats or site plans and open space plans for a project area shall be submitted to the village for review and approval based on the requirements outlined in article VII of this chapter.

(Ord. No. 202, art. 9, § 8, 11-6-2017)

Sec. 42-213. - Fees.

Fees for review of PD plans under this article shall be established by resolution of the village board.

(Ord. No. 202, art. 9, § 9, 11-6-2017)

Sec. 42-214. - Interpretation of approval.

Approval of a PD under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the village and the applicant.

(Ord. No. 202, art. 9, § 10, 11-6-2017)

Sec. 42-215. - Amendments to PD plan.

Proposed amendments or changes to an approved PD plan shall be presented to the village planning commission. The commission shall decide whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan and, in such event, may approve or deny the proposed amendment. If the commission decides the proposed amendment is material in nature, the commission shall review the amendment under the provisions and procedures of this article as they relate to final approval of the planned development.

(Ord. No. 202, art. 9, § 11, 11-6-2017)

Sec. 42-216. - Cluster housing.

The intent of this section is to permit development of single-family residential subdivisions allowing for a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and 50 percent of the resultant land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, or other legal means that runs with the land, as prescribed by the village.

(Ord. No. 202, art. 9, § 12, 11-6-2017)

Sec. 42-217. - Conditions and qualifications.

- (a) The village may approve the clustering or attaching of buildings on parcels of land under single ownership and control, which have characteristics that would make sound physical development under the normal subdivision approach impracticable because of parcel size, shape or dimension or the site has natural characteristics that are worth preserving or that make platting difficult. In approving an area for cluster development, the subject property shall meet all of the following conditions:
  - (1) A percentage of the land area specified in the zoning ordinance, but not less than 50 percent, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, or other legal means that runs with the land, as prescribed by this chapter.
  - (2) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension.
  - (3) The parcel to be developed contains a minimum of two contiguous acres.
  - (4) Development of the parcel will not promote sprawl and is consistent with the intent of the village master plan and future land use map.
- (b) To qualify a parcel for development for cluster housing, the village shall determine that the parcel has met the "conditions" as stated above and the request shall be supported by written and graphic documentation, prepared by a landscape architect, engineer, professional community planner, or architect.

(Ord. No. 202, art. 9, § 13, 11-6-2017)

Sec. 42-218. - Permitted densities.



- (a) The number of dwelling units within the cluster housing development shall not exceed the permitted number of dwelling units if developed as a conventional subdivision pursuant to applicable local, state and federal regulations.
- (b) Up to 50 percent of water bodies, if any, within the parcel may be included in the calculation of gross site acreage provided the land bordering to the water is substantially left as open space.
- (c) Parcels where 50 percent or more of the land will remain as active farmland or orchard, as defined by MCL 324.36201(h), would be entitled to a dwelling unit bonus of 20 percent.

(Ord. No. 202, art. 9, § 14, 11-6-2017)

Sec. 42-219. - Siting criteria.

Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between buildable and open space (defined as open space, active agricultural and/or orchard areas). The village planning commission shall evaluate proposals to determine whether the proposed site plan meets the following site design and layout objectives:

- (1) As practical, preserves and maintains existing fields, meadows, and creates sufficient buffer areas to minimize conflicts between residential and nonresidential land uses.
- (2) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.

(Ord. No. 202, art. 9, § 15, 11-6-2017)

Sec. 42-220. - Open space and transition.

- (a) The area in open space (including recreation areas and water as mentioned above) accomplished by using one-family cluster development shall represent at least 50 percent of the total parcel area.
- (b) Ownership of open space may remain with the owner of the parent parcel, a homeowners' association made up of parcel owners in the development, the village, or another entity selected by the property owner and approved by the village.
  - (1) A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140—324.2144, shall be granted to the village, with the approval of the board of trustees. The board may require that the conservation easement be enforceable by the village if the municipality is not the holder of

the conservation easement. The conservation easement shall be recorded in the office of the register of deeds prior to or simultaneously with the recording of any plat or master deed in the office of the register of deeds.

- (2) The conservation easement shall prohibit residential, industrial, or commercial use on the open space land (except in connection with agriculture, forestry, and recreation).

(Ord. No. 202, art. 9, § 16, 11-6-2017)

#### Sec. 42-221. - Site plan.

After approval of a preliminary plan and cluster option, a final site plan shall be submitted conforming to the requirements of article VII of this chapter.

(Ord. No. 202, art. 9, § 17, 11-6-2017)

#### Secs. 42-222—42-250. - Reserved.

### ARTICLE VII. - SITE PLAN AND PLOT PLANS

#### Sec. 42-251. - Purpose.

It is the purpose of this article to specify standards, data requirements and the review process which shall be followed in the preparation of site plans, plot plans, and special land uses as required by this chapter. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for special land use permits. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments such as single-family and two-family dwellings.

(Ord. No. 202, art. 10, § 1, 11-6-2017)

#### Sec. 42-252. - Approval of site plan or plot plan required.

- (a) Site plan approval is required by the planning commission, prior to the issuance of a zoning permit, unless required otherwise by this chapter, for the following uses:
  - (1) All uses for which this chapter requires at least three or more off-street parking spaces.
  - (2) All special land uses.
- (b) Prior to the issuance of a zoning permit, plot plan approval is required by the zoning administrator for all other uses not listed above. The commission shall review such plans in accordance with the same procedures, requirements and standards used by the municipality as specified in this article.

Sec. 42-253. - Site plans for administrative review.

Site plans for uses that are permitted by right in all zoning districts are processed by administrative review and shall follow the requirements, except if the proposed site plan generates 500 or more trips ends as determined by proposed land use activity based on the most recent edition of the trip generation manual published by the Institute of Transportation Engineers. Under this exception the site plan shall be reviewed under section 42-255.

- (1) The administrative review committee shall consist of three members: the zoning administrator, chairman of the planning commission or their designee, and a planning commissioner. The planning commission shall also select a member to be an alternate to the administrative review committee. The alternate shall attend if the chairman or planning commission member cannot attend the review meeting.
- (2) The planning commission shall make these appointments to the administrative review committee at the same annual meeting where the planning commission elects its officers.

(Ord. No. 202, art. 10, § 3, 11-6-2017)

Sec. 42-254. - Optional sketch plan review.

Prior to submitting an application or site plan for a land use permit, an applicant may choose to submit a sketch plan for review by the zoning administrator and/or the planning commission. The sketch plan may be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed structures, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting and type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the commission's agenda if the sketch plan is to be reviewed by the commission.

(Ord. No. 202, art. 10, § 4, 11-6-2017)

Sec. 42-255. - Required data for plot plans.

The following data shall be submitted with applications for zoning and/or land use permits for uses requiring a plot plan: An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair and demolitions as determined by the planning commission. The commission may establish and make available written guidelines as to the scale and level of detail needed



for applications for various types of uses requiring a zoning permit or for information to be submitted to the board of zoning appeals in order to make a decision on an appeal or request for zoning ordinance interpretation or variance.

- (1) Name, address and telephone number of the applicants (and owners if different).
- (2) The location, shape, area and dimension of the lot.
- (3) The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered or moved on the lot.
- (4) A description of proposed use of the buildings, land or structures.
- (5) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
- (6) The yard, open space, parking lot and space dimensions and number of spaces.
- (7) A vicinity sketch showing the location of the site in relation to the surrounding street system and adjacent land uses within 500 feet in every direction, including on the opposite side of any public street.
- (8) Location of any septic system or drain field and well.
- (9) Configuration of the driveway and parking.
- (10) Drains and site drainage patterns, and on-site stormwater management.
- (11) Existing public rights-of-way or easements.
- (12) All public utilities.
- (13) Any other information deemed necessary by the planning commission to determine and provide for the enforcement of this chapter.

(Ord. No. 202, art. 10, § 5, 11-6-2017)

#### Sec. 42-256. - Site plan review.

Site plan review shall be undertaken by the planning commission in accordance with the following requirements and procedures.

(Ord. No. 202, art. 10, § 6, 11-6-2017)

#### Sec. 42-257. - Data required for site plan.

Each site plan, as may be required by this chapter, shall be provided on a professional quality drawing of scale not less than one inch equals 50 feet. All information depicted shall be designed and sealed by an engineer, architect or landscape architect licensed in the state. In addition to the applicant's full name, address, phone number, cell phone number, and e-mail address, the following data shall be submitted with applications for zoning permits for uses requiring a site plan:

- (1) A survey showing property dimensions and legal description, including angles, lot area and dimensions and an arrow pointing north.
- (2) A project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by this chapter.
- (3) A plan showing the location of all buildings and structures existing and proposed on the site including building elevation drawings and all of the following listed items:
  - a. All applicable general provisions referenced in article I of this chapter.
  - b. The natural features such as woodlands, streams, floodplains, drains, ponds, topography (at two foot intervals on-site and within 150 feet of the site) and manmade features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
  - c. The existing public rights-of-way, private easements, private places of record and deed restrictions.
  - d. The proposed streets and alleys, including cross sections, acceleration, deceleration or right-turn lanes, driveways, parking spaces and sidewalks with indication of the direction of travel and the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, the dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures including signs and proposed street or road names shall also be indicated.
  - e. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within 300 feet in every direction of the proposed use including land uses on the opposite side of any public street.
  - f. The location of utilities, water supply and the location and design of wastewater systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
  - g. The proposed location of trash receptacles, accessory buildings and uses and signs.
  - h. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing and lighting in compliance with the requirements of this chapter. Also, the plan must include the proposed locations of common open spaces, if applicable.
  - i. A storm drainage and stormwater management plan for all streets and impervious surfaces.
  - j.



The location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by government authorities.

- k. The location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.
- l. A statement from the applicant identifying all federal, state and local permits required, if any.
- m. Such other information and/or assessments as is necessary to enable the municipality to determine whether the proposed site plan will conform to the provisions of this chapter.

(Ord. No. 202, art. 10, § 7, 11-6-2017)

**Sec. 42-258. - Submittal and distribution of site plans.**

At least six copies of the application and site plan shall be submitted to the planning commission at least 20 days prior to the commission's regularly-scheduled meeting. Six copies shall be on 11-inch by 17-inch paper reduced from original drawing. In addition, all site plans and documents shall be submitted on a compact disk or memory stick in pdf format. The zoning administrator shall review the application and site plans for completeness and, if such application or plans are not complete, the plans shall be returned to the applicant with a written notice identifying the plans' inadequacies. Upon receipt of an adequately completed application and plans, the zoning administrator shall record the date of their receipt.

(Ord. No. 202, art. 10, § 8, 11-6-2017)

**Sec. 42-259. - Completeness of the site plan application.**

The planning commission shall review the application and plans and determine their conformity with the applicable provisions of this chapter. The commission may, at its discretion, delay deliberating upon a site plan at its next regularly-scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form and escrow payment, have been received by the village at least seven business days prior to such meeting.

(Ord. No. 202, art. 10, § 9, 11-6-2017)

**Sec. 42-260. - Planning commission review and action.**

After conducting a review, the planning commission shall recommend to the board of trustees to reject, approve or conditionally approve the site plan as it pertains to requirements and standards contained in this chapter. Any conditions required by the commission for approval shall be stated in writing, together

with the reasons, and delivered to the applicant. Decisions and recommendations by the commission shall be by the planning commission, unless an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A site plan shall be approved by the commission if it contains the information required by and is in compliance with this chapter, the conditions imposed pursuant to this chapter, other planning documents, other applicable codes and county, state and federal laws and statutes.

(Ord. No. 202, art. 10, § 10, 11-6-2017)

Sec. 42-261. - Approved site plans.

Three copies of the approved site plan, with any conditions contained required, shall be maintained as part of the planning commissions records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman and secretary of the planning commission. If any variances from this chapter have been obtained from the board of zoning appeals, the minutes concerning the variances, duly signed, shall also be filed with the commission's records as a part of the site plan and delivered to the applicant for information and direction.

(Ord. No. 202, art. 10, § 11, 11-6-2017)

Sec. 42-262. - Site plan approval criteria.

Each site plan shall conform to the applicable provisions of this chapter and the following criteria in addition to any conditions imposed by the planning commission:

- (1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material and soil removal and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and allow for the appropriate blending of the site plan with the surrounding community and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering and screening shall conform to the requirements of this chapter.
- (3) Special attention shall be given to proper site drainage so that removal of stormwaters will not increase off-site sedimentation or otherwise adversely affect neighboring properties, Lake of the Woods and Mud Lake.
- (4)

The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Special attention shall be given to ensure the peaceful surroundings of any nearby dwellings or other types of communities so as to lend continuity and that adequate natural light that may be currently enjoyed and continued to be enjoyed by the surrounding structures. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- (5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. This review shall be conducted by the fire department fire marshal.
- (6) Every structure or dwelling unit shall have access to a public street, private easement, private place, walkway or other area dedicated to common use.
- (7) A pedestrian circulation system shall be provided which is insulated as completely as reasonably possible from the vehicular circulation system.
- (8) Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing, twinkling or intermittent lights shall not be permitted.
- (9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards used by the village.
- (10) All roads dedicated to public use shall be developed in accordance with village specifications.
- (11) All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at ingress and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- (12) Residential and nonresidential development shall not include unnecessary curb cuts and commercial service drives shall be used where the opportunity exists.
- (13) The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- (14) Site plans shall conform to all applicable requirements of state and federal statutes (i.e., soil and sedimentation control, wetlands, etc.) and approval may be conditioned on the applicant receiving necessary state and federal permits before the site plan approval is granted.
- (15) The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - a.



Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

- b. State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

- (16) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, or wetlands.

(Ord. No. 202, art. 10, § 12, 11-6-2017)

Sec. 42-263. - Conformity to approved site plans.

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received approval from the body which had approved the original site plan. If construction and development does not conform with such approved plans, the approval and associated permits shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

(Ord. No. 202, art. 10, § 13, 11-6-2017)

Sec. 42-264. - Amendment to a site plan.

No changes shall be made to an approved site plan prior to or during construction except where the planning commission and applicant mutually agree according to the following procedures:

- (1) *Minor changes.* Minor changes to an approved site plan involving changes of less than five feet in the location of walkways, vehicular circulation ways and parking areas or exterior building and structure walls; adjustment of utilities; and similar minor changes as may be approved by the village.
- (2) *Major changes.* Major changes or amendments to an approved site plan involving changes in excess of five feet in the location of walkways, vehicular circulation ways and parking areas or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require

the approval of the planning commission, or in the case of a planned unit development project, in the same manner as the original application was submitted, reviewed and approved and subject to the finding of all of the following:

- a. Such changes will not adversely affect the initial basis for granting approval;
- b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this article; and
- c. Such changes shall not result in the reduction of open space area as required herein.

(Ord. No. 202, art. 10, § 14, 11-6-2017)

Sec. 42-265. - Amendments to a plot plan.

The zoning administrator shall review proposed changes to an approved plot plan in accordance with the same procedures, requirements and standards used by the planning commission. Changes to a plot plan which contain elements which require site plan approval shall require that the entire project be processed as a site plan according to the procedures of this article.

(Ord. No. 202, art. 10, § 15, 11-6-2017)

Sec. 42-266. - Appeals.

With regards to the site plan and plot plan approval decisions, an appeal may be taken to the circuit court.

(Ord. No. 202, art. 10, § 16, 11-6-2017)

Sec. 42-267. - Review fees.

If the planning commission or zoning board of appeals determines that the zoning fees will not cover the actual costs of the application review or appeal, or if the planning commission or zoning board of appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the village treasurer such additional zoning fees in an amount determined by the planning commission or zoning board of appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent of the initial escrow deposit or less than ten percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the planning commission or zoning board of appeals may require the applicant to deposit additional fees into escrow in an amount determined by the planning commission or zoning board of appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this section shall be deemed to make the application



incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

(Ord. No. 202, art. 10, § 17, 11-6-2017)

#### Sec. 42-268. - Security requirement.

To ensure compliance with the site plan and this chapter and any conditions, limitations or requirements imposed, the zoning administrator or the planning commission shall require a performance guarantee pursuant to section 42-380.

(Ord. No. 202, art. 10, § 18, 11-6-2017)

#### Secs. 42-269—42-299. - Reserved.

### ARTICLE VIII. - NONCONFORMING USES

#### Sec. 42-300. - Purpose.

- (a) It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed consistent with the provisions in the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3208).
- (b) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before the ordinance from which this chapter is derived was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
- (d)

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(Ord. No. 202, art. 11, § 1, 11-6-2017)

#### Sec. 42-301. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
- (3) If there is evidence that a nonconforming use of land has been abandoned, any subsequent use of such land must conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. No. 202, art. 11, § 2, 11-6-2017)

#### Sec. 42-302. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such structure be voluntarily destroyed by any means to an extent of more than 50 percent of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.

- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

(Ord. No. 202, art. 11, § 3, 11-6-2017)

Sec. 42-303. - Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) If there is evidence that a nonconforming use of land and structure has been abandoned, any subsequent use of such land must conform to the regulations specified by this chapter for the district in which such land is located.
- (5) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. 202, art. 11, § 4, 11-6-2017)

Sec. 42-304. - Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of the ordinance from which this chapter is derived, shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.



(Ord. No. 202, art. 11, § 5, 11-6-2017)

Sec. 42-305. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this chapter.

(Ord. No. 202, art. 11, § 6, 11-6-2017)

Secs. 42-306—42-328. - Reserved.

ARTICLE IX. - ZONING BOARD OF APPEALS

Sec. 42-329. - Purpose and scope.

It is the purpose of this article to create a zoning board of appeals, to establish its responsibilities and to establish standards for its operation.

(Ord. No. 202, art. 12, § 1, 11-6-2017)

Sec. 42-330. - Creation of zoning board of appeals.

- (a) *Establishment.* There is hereby established a zoning board of appeals in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended. The zoning board of appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.
- (b) *Membership, term of office of the zoning board of appeals.*
  - (1) The zoning board of appeals shall consist of not less than three and not more than seven members who shall be appointed and shall serve in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended. The village council may serve as the zoning board of appeals.
  - (2) The membership of the zoning board of appeals shall be as representative as possible. One member of the zoning board of appeals shall be a member of the village planning commission.
- (c) *Powers.* The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the office or body from whom the appeal was taken, and may issue or direct the issuance of a permit. The zoning board of appeals shall have the

power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this chapter may be equitably achieved in order for there to be uniform interpretation and flexibility in the enforcement of this chapter or to fulfill any other responsibilities bestowed upon the zoning board of appeals by this chapter.

(Ord. No. 202, art. 12, § 2, 11-6-2017)

Sec. 42-331. - Rules, limits on authority of the zoning board of appeals, and use variances.

- (a) The zoning board of appeals shall fix rules of procedure or bylaws to govern its procedures. The board shall choose its own chairman, and in his absence, an acting chairman, who may administer oaths and compel the attendance of witnesses.
- (b) The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation under this chapter.
- (c) The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter; these powers are reserved to the governing body.

(Ord. No. 202, art. 12, § 3, 11-6-2017)

Sec. 42-332. - Zoning appeals.

The zoning board of appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or by any other official in administering or enforcing any provisions of this chapter. The procedure for appealing to the zoning board of appeals, or requesting a variance, ordinance interpretation or filing any other request is as follows:

- (1) The appeal shall be taken within such time as prescribed by the rules or bylaws of the zoning board of appeals.
- (2) A fee, prescribed by the village board, shall be submitted to the zoning administrator at the time of the filing of the application form.
- (3) The person, firm, agent, or attorney thereof making the appeal shall file by completing and signing the application form provided by the village.
- (4) All persons shall file a written statement signed by the principal stating the agent's right to act upon their behalf.
- (5)



A completed application form shall be submitted to the zoning administrator. The application shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before the appeal is processed, the fees shall be collected. If the zoning administrator determines that the application does not fully comply with the submittal requirements, the application shall be returned to the applicant. If the application is approved, the zoning administrator shall forthwith transmit to the recording secretary for the zoning board of appeals the application and all papers constituting the record from which the appeal was taken.

- (6) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the zoning board of appeals after the application of appeal shall have been filed, that by reason of facts stated in the appeal application, a stay would in his opinion cause imminent peril to life and property.
- (7) When a properly executed application form has been filed, the recording secretary, upon consultation with the chairman for the zoning board of appeals, shall schedule the matter for a public hearing.
- (8) Notice shall be provided per section 103 of Public Act No. 110 of 2006.
- (9) Once all the necessary information has been received, the zoning board of appeals shall return a decision on a case in a timely manner, or if timeframes are included within its rules of procedure, then within the time specified in the rules of procedure.
- (10) No zoning permit shall be issued by the zoning administrator based on a decision of the zoning board of appeals before eight days have expired.

(Ord. No. 202, art. 12, § 4, 11-6-2017)

#### Sec. 42-333. - Variances.

The zoning board of appeals shall have the power to authorize, upon appeal, a dimensional non-use variance from requirements of this chapter, provided the applicant has proven a "practical difficulty," by demonstrating as follows:

- (1) That strict compliance with this chapter would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
- (2) That the problem is due to a unique circumstance of the property;
- (3) That the specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to this chapter, instead of a variance;
- (4) That the property problem was not created by the action of the applicant;
- (5)

That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;

- (6) That the requested variance will relate only to the property under the control of the applicant;
- (7) That the nonconforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
- (8) That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
- (9) That the proposed use of the premises is in accord with this chapter;
- (10) That the variance would do substantial justice to the applicant as well as to other property owners in the district;
- (11) That the granting of the variance will ensure that the spirit of this chapter is observed, public safety secured and substantial justice applied;
- (12) That the requested variance shall not amend the permitted uses of the zoning district in which it is located.

(Ord. No. 202, art. 12, § 5, 11-6-2017)

#### Sec. 42-334. - Rules for granting variances.

The following rules shall be applied in the granting of a variance:

- (1) The zoning board of appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, secure the objectives and intent of this chapter, provided there is an applicable standard in this chapter to serve as the basis for such condition. The breach of such condition shall automatically invalidate the permit granted.
- (2) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized has been commenced within one year after the hearing date when the variance was granted.

(Ord. No. 202, art. 12, § 6, 11-6-2017)

#### Sec. 42-335. - Interpretation and other powers.

The zoning board of appeals shall have the power to:

- (1) Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter.
- (2) Determine the precise location of the boundary lines between zoning districts.
- (3)

Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.

- (4) Determine the signage, landscaping, buffering, off-street parking and loading space requirements of any use not specifically mentioned in this chapter, by applying the most comparable provisions for other similar uses.
- (5) When making an interpretation, the zoning board of appeals shall carefully consider the definitions in section 42-9, the meaning of all the relevant sections in this chapter, past decisions of the zoning board of appeals on similar matters, research and any conclusions by the zoning administrator, consultant or attorney paid by the village, and shall make a decision on the narrowest grounds feasible so as not to upset the meaning and application of this chapter.

(Ord. No. 202, art. 12, § 7, 11-6-2017)

Sec. 42-336. - Determination of a lot of record.

The zoning board of appeals shall have the power to make "lot of record" determinations in accordance with the following procedure:

- (1) Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the office of the register of deeds on the effective date of the ordinance from which this chapter is derived, the zoning board of appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" as provided for in this chapter.
- (2) The board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of the ordinance from which this chapter is derived. In making its determination, the board is authorized to consider all matters it deems relevant, including, but not limited to, the tax roll of the village, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
- (3) Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this chapter.

(Ord. No. 202, art. 12, § 8, 11-6-2017)



Sec. 42-337. - Nonconformity appeals.

Nonconforming buildings or structures may be structurally changed, altered, or enlarged upon appeal in cases of hardship or other extenuating circumstances, and when approval of said appeal will not have an adverse effect on surrounding property, and when consistent with the requirements of this chapter.

(Ord. No. 202, art. 12, § 9, 11-6-2017)

Sec. 42-338. - Findings of fact.

- (a) The zoning board of appeals shall grant no variance or make any determination on an appeal, ordinance interpretation or other issue requested of it unless the board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this chapter have been met.
- (b) Said findings of fact shall include, but not be limited to, the following information:
  - (1) How the application of this chapter creates unnecessary hardship or practical difficulty in the use of the petitioner's property.
  - (2) Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
  - (3) Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter.
  - (4) That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
  - (5) Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
  - (6) A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
  - (7) The proposed variance does not permit the establishment of any use which is not permitted by right within the district or any use or dimensional variance for which a special use permit is necessary.
  - (8) Findings on whether the proposed development complies with the requirements, standards or procedures given in this chapter or an interpretation of the disputed chapter provisions, if applicable.
  - (9)

Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.

(10) The possible precedents or affects which might result from the approval or denial or the appeal.

(11) Findings on the impact if the appeal is approved, on the ability of the village or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the appeal is approved.

(Ord. No. 202, art. 12, § 10, 11-6-2017)

Sec. 42-339. - Burden of proof in appeals and variances.

When an appeal is taken to the zoning board of appeals, the applicant shall have the burden of presenting to the board sufficient evidence and argument to justify the requested order or decision.

(Ord. No. 202, art. 12, § 11, 11-6-2017)

Sec. 42-340. - Reapplications and rehearings.

(a) Any request for reapplication or rehearing may be submitted to the zoning board of appeals. If the zoning board of appeals votes to consider a reapplication or to grant a rehearing, the board shall then, at the same hearing, proceed with the appeal, variance or interpretation without charging the applicant a second fee.

(b) A request for rehearing shall be made within eight days from the meeting at which the original decision was made.

(Ord. No. 202, art. 12, § 12, 11-6-2017)

Sec. 42-341. - Bond authorized.

In authorizing any variance, the zoning board of appeals may require that a bond or other performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of a variance.

(Ord. No. 202, art. 12, § 13, 11-6-2017)

Secs. 42-342—42-370. - Reserved.

## ARTICLE X. - ADMINISTRATION AND ENFORCEMENT

Sec. 42-371. - Enforcement.



The provisions of this chapter shall be administered and enforced by the zoning administrator or by such deputies of this department as the zoning administrator may delegate to enforce the provisions of this chapter.

(Ord. No. 202, art. 13, § 1, 11-6-2017)

Sec. 42-372. - Duties of zoning administrator.

- (a) The zoning administrator shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (b) The zoning administrator shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived for the purpose of carrying out the provisions of article IX of this chapter.
- (c) The zoning administrator shall not refuse to issue a permit whenever all conditions and requirements imposed by this chapter are complied with.
- (d) The zoning administrator shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Ord. No. 202, art. 13, § 2, 11-6-2017)

Sec. 42-373. - Plot plan.

The zoning administrator shall require that all applications for land use permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings, accessory buildings and structures, driveways and curb cuts, or other improvements to be erected, altered or moved, and of any building or other structures already on the lot.
- (3) The location and type of vegetation to be removed or planted.
- (4) Areas that will be graded or subject to the removal of soil noting the existing and proposed elevations.
- (5) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (6)

Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 202, art. 13, § 3, 11-6-2017)

Sec. 42-374. - Permits.

The following shall apply in the issuance of any permit:

- (1) *Permits not to be issued.* No land use permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this chapter.
- (2) *Permits for new use or alterations of land.* No land heretofore vacant or undisturbed shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type, or physically altered, unless a land use permit is first obtained.
- (3) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a land use permit is first obtained for the new or different use.
- (4) *Permits required for the erection, alteration or repair of buildings.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a land use permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the state construction building code, Housing Law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- (5) *Permits for wrecking buildings.* Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.
  - a. Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the zoning administrator for examination of the premises to determine whether or not rodent and/or insect extermination procedures are necessary.
  - b.

The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the building official. Suitable provision shall be made for the disposal of materials which are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials which, in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

- c. Blasting and use of explosives shall be done only by a person licensed by the state and approved by the fire marshal and zoning administrator to perform such work and notification shall be given to the village and surrounding property owners within 300 feet of the site and within five calendar days of the work.
  - d. The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The fire department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.
- (6) *Expiration of land use permit.* If the work described in any land use permit has not begun within 12 months from the date of issuance thereof, said permit shall expire; it shall be canceled by the zoning administrator, and written notice thereof shall be given to the persons affected. If the work described in any land use permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the zoning administrator, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new land use permit has been obtained.
- (7) *Timing of permits.*
- a.



The zoning administrator or appropriate governing body has the power to require a permit to be obtained on a promptly basis.

- b. The zoning administrator or appropriate governing body may require construction to commence within a specified date from the date of issuance of the permit, that the construction be pursued in a diligent manner, and that the construction be completed by a specified date.
- c. Any time periods specified in this chapter for the start and completion of a project may be modified by the applicable body as a condition of project approval.

(Ord. No. 202, art. 13, § 4, 11-6-2017)

Sec. 42-375. - Certificates.

- (a) No land, building, or part thereof, shall be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:
  - (1) *Certificates not to be issued.* No certificate of land use compliance shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this chapter or for which a variance has been granted.
  - (2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of land use compliance shall have been issued for such building or structure.
  - (3) *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
  - (4) *Application for certificates.* Application for certificate of land use permit compliance shall be made, in writing, to the zoning administrator on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five-day period.
- (b) A certificate of land use permit compliance for any improvement will not be issued nor shall the property be used or occupied in any way until the required physical site improvements are fulfilled. In instances where all improvements as required by this chapter are not completed and a temporary certificate of occupancy is requested, the cost of such remaining improvements shall be estimated by the zoning administrator, taking into account the criteria listed above. The zoning administrator may grant temporary occupancy if use of the premises does not constitute a hazard or nuisance. Temporary occupancy will not be granted until satisfactory cash bond or

irrevocable letter of credit in the amount of the estimated cost of completion is filed with the village planning commission. If the work is not completed by the date specified on the temporary occupancy permit, the commission may use the cash, surety bond or irrevocable letter of credit to complete the improvements.

(Ord. No. 202, art. 13, § 5, 11-6-2017)

Sec. 42-376. - Fees.

Fees for inspection and the issuance of permits or certificates of copies thereof, required or issued under the provisions of this chapter, may be collected by the zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the village board and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. No. 202, art. 13, § 6, 11-6-2017)

Sec. 42-377. - Requests for information and complaints.

Any request for information and/or complaint regarding an interpretation of a zoning provision, administrative or enforcement of any provisions shall be submitted to the village in writing for review and action. Only written communication will be considered.

(Ord. No. 202, art. 13, § 7, 11-6-2017)

Sec. 42-378. - Violations and penalties.

- (a) *Nuisance per se.* Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this chapter or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this chapter are hereby declared to be a nuisance per se.
- (b) *Inspection.* The zoning administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.
- (c) *Penalties.*
  - (1) Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this chapter or any permit issued pursuant to this chapter shall be responsible for a municipal civil infraction as defined in Public Act No. 12 of 1994, amending Public Act No. 236 of 1961, being MCL 600.101—600.9939, and shall be subject to a fine of not more than \$500.00. Every day that such



violation continues shall constitute a separate and distinct offense under the provisions of this chapter. Nothing in this section shall exempt the offender from compliance with provisions of this chapter.

- (2) The village zoning administrator is hereby designated as the authorized village official to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court.
- (3) In addition to enforcing this chapter, as a municipal civil infraction, the village may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this chapter.

(Ord. No. 202, art. 13, § 8, 11-6-2017)

Sec. 42-379. - Rights and remedies are cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. No. 202, art. 13, § 9, 11-6-2017)

Sec. 42-380. - Performance guarantee.

- (a) Where in this chapter there is delegated to the zoning board of appeals and the planning commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, site plan approval, special approval or variance, the zoning board of appeals or planning commission shall, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require a cash, performance or surety bond executed by a reputable surety company authorized to do business in the state, or irrevocable letter of credit, in an amount determined by the zoning board of appeals or the planning commission to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such cash, performance, surety bond or irrevocable letter of credit, consideration shall be given to the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
- (b) The performance guarantee shall be deposited with the planning commission at the time of the issuance of the permit authorizing the activity or project.
- (c) The planning commission shall establish procedures whereby a rebate of cash deposits, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses.
- (d)

As used in this section, the term "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of the residents of the village and future users or inhabitants of the proposed project or project area, including, but not limited to, roadways, paving, walls, curbing, striping, lighting utilities, sidewalks, screening landscaping and drainage.

- (e) Objection to a performance guarantee requirement must be in writing and filed with the planning commission within 30 days of notice of the requirement. The determination of the commission shall be final.

(Ord. No. 202, art. 13, § 10, 11-6-2017)

Secs. 42-381—42-403. - Reserved.

#### ARTICLE XI. - CHANGES AND AMENDMENTS

Sec. 42-404. - Purpose.

The village may, from time to time, on recommendation from the planning commission, its own initiative or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Public Act No. 110 of 2006, as amended.

(Ord. No. 202, art. 14, § 1, 11-6-2017)

Sec. 42-405. - Petition for amendments.

- (a) An amendment to this chapter is subject to a protest petition. If a protest petition is filed, approval of the amendment to this chapter shall require a two-thirds vote of the planning commission, unless a larger vote, but not to exceed three-quarters vote, is required by ordinance or Charter. The protest petition shall be presented to the planning commission before final legislative action on the amendment, and shall be signed by one or more of the following:
  - (1) The owners of at least 20 percent of the area of land included in the proposed change.
  - (2) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- (b) For the purposes of this section, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

(Ord. No. 202, art. 14, § 2, 11-6-2017)

Sec. 42-406. - Conditional rezoning.

It is recognized that there are certain instances where it would be in the best interests of the municipality, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this section to follow the provisions of section 405, Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(Ord. No. 202, art. 14, § 3, 11-6-2017)

Secs. 42-407—42-425. - Reserved.

ARTICLE XII. - PUBLIC HEARINGS AND NOTIFICATION PROCEDURES

Sec. 42-426. - Public notice.

All applicants for development approval requiring a public hearing, regardless of whether or not action to be taken is by the planning commission or zoning board of appeals, shall comply with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, section 103, MCL 125.3103, with regard to public notification.

(Ord. No. 202, art. 15, § 1, 11-6-2017)

Secs. 42-427—42-450. - Reserved.

ARTICLE XIII. - INTERPRETATION AND CONFLICT

Sec. 42-451. - Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance other than the above-described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(Ord. No. 202, art. 16, § 1, 11-6-2017)

Sec. 42-452. - Vested right.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

(Ord. No. 202, art. 16, § 2, 11-6-2017)



The American Planning Association's  
Professional Institute  
**American Institute  
of Certified Planners**

*Creating Great Communities for All*

## **AICP Code of Ethics and Professional Conduct**

Adopted March 19, 2005,

Effective June 1, 2005,

**Revised April 1, 2016**

Revised November 2021

This AICP Code of Ethics and Professional Conduct serves three purposes: first, defining the aspirational principles for all those who participate in the planning process, whether as planners, as advisory bodies, or as decision-makers (Section A); second, defining the rules of practice and behavior to which all members of the American Institute of *Certified Planners* are held accountable (Section B); and third, defining the procedures for enforcement of these rules (Sections C, D, and E). Please refer to a [glossary of frequently](#) used terms in the Code located at the bottom of this page.

Our primary obligation as planners and active participants in the planning process is to **serve the public interest** and these principles further that purpose. All who engage in the planning process should seek to achieve high standards of integrity, proficiency, and knowledge. As the basic values of society can come into competition with each other, so can the values we espouse under this Code. For AICP planners, both the principles and the rules are intended to be used together. The aspirational principles, while not enforceable, present the foundation for the profession's shared values, and the basis for the rules.

All those who participate in planning should commit themselves to making ethical judgments in the public interest balancing the many competing agendas with careful consideration of the facts and context, informed by continuous, open debate.

To meet our obligation to the public, we aspire to the following principles:

### **Section A: Principles to Which We Aspire**

#### **1. People who participate in the planning process shall continuously pursue and faithfully serve the public interest.**

1. Examine our own cultures, practices, values, and professional positions in an effort to reveal and understand our conscious and unconscious biases and privileges as an essential first step so we can better serve a truly inclusive public interest promoting a sense of belonging.
2. Be conscious of the rights of others. Develop skills that enable better communication and more effective, respectful, and compassionate planning efforts with all communities, especially underrepresented communities and marginalized people, so that they may





fully participate in planning. Respect the experience, knowledge, and history of all people.

3. Have special concern for the long-range consequences of past and present actions.
4. Pay special attention to the interrelatedness of decisions and their unintended consequences.
5. Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making. Implement, for existing plans, regulations, policies and procedures, changes which can help overcome historical impediments to racial and social equity. Develop metrics and track plan implementation over time to measure and report progress toward achieving more equitable outcomes.
6. Systematically and critically analyze ethical issues in the practice of planning. Strengthen organizational capabilities to apply ethical principles in serving the public, including establishing procedures that promote ethical behavior, mentoring emerging professionals in ethical behavior and holding individuals and organizations accountable for their conduct.

## **2. People who participate in the planning process shall do so with integrity.**

1. Provide timely, adequate, clear, accessible, and accurate information on planning issues to all affected persons, to governmental bodies, to the public, to clients and to decision makers.
2. Facilitate the exchange of ideas and ensure that people have the opportunity for meaningful, timely, and informed participation in the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence, especially underrepresented communities and marginalized people. Attention and resources should be given to issues of equity, diversity, and inclusion and should reflect the diversity of the community.
3. Promote excellence in design. Conserve and preserve the integrity and heritage of the natural and built environment. Use principles of sustainability and resilience as guiding influences in our work.
4. Identify the human and environmental consequences of alternative actions including the short and long-term costs and benefits. Identify social and cultural values which should be preserved as well as natural elements.
5. Enhance our professional education and training in our career as well as in our ability to work as a participant in the planning process and with allied professionals.
6. Educate and seek to empower the public about planning issues and their relevance to everyone's lives.
7. Describe and comment on the work and views of other professionals in a fair and professional manner.



8. Respect the rights of all persons and groups and do not discriminate against or harass others.

**3. People who participate in the planning process shall work to achieve economic, social and racial equity.**

1. Create plans that ensure equitable access to resources and opportunities which, in turn, structure prospects for upward economic mobility, a sense of belonging, and an enhanced quality of life. Recognize our unique responsibility to eliminate historic patterns of inequity tied to planning decisions represented in documents such as zoning ordinances and land use plans
2. Seek social justice by identifying and working to expand choice and opportunity for all persons, emphasizing our special responsibility to plan with those who have been marginalized or disadvantaged and to promote racial and economic equity. Urge the alteration of policies, institutions, and decisions that do not help meet their needs.
3. Recognize and work to mitigate the impacts of existing plans and procedures that result in patterns of discrimination, displacement, or environmental injustice. Plan for anticipated public and private sector investment in historically low-income neighborhoods to ensure benefits defined by the local community. Promote an increase in the supply and quality of affordable housing and improved services and facilities with equal access for all residents, including people with disabilities.
4. Promote the inherent rights of indigenous people and -work with indigenous peoples on developments affecting them and their lands and resources

**4. People who participate in the planning process shall safeguard the public trust.**

1. Deal fairly with all participants in the planning process.
2. Exercise fair, honest, skilled, informed and independent professional judgment.
3. Do not let any official action be influenced by personal relationships.
4. Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with the public interest.
5. Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.
6. Disclose to the public all personal and pecuniary interests, considered broadly, that a participant, serving as an advisor or decision-maker, may have regarding any planning process decision to be made. If at all possible, abstain completely from direct or indirect participation as an advisory or decision-maker in any matter in which there is a personal or pecuniary interest, and leave any chamber in which such a matter is under deliberation
7. Neither seek nor accept any gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to



influence a participant's objectivity as an advisor or decision-maker in the planning process.

8. Do not participate in any matter unless adequately prepared and able to render thorough and diligent services.
9. Do not deliberately commit a wrongful act which reflects adversely on the planning process.
10. Do not seek business by stating or implying the ability or willingness to influence decisions by improper means.
11. Expose corruption wherever discovered.

### **5. Practicing planners shall improve planning knowledge and increase public understanding of planning activities.**

1. Contribute to the development of, and respect for, our profession by improving knowledge and techniques, and sharing the results of experience and research that contribute to the body of planning knowledge. Make work relevant to solving community problems and increase the public's understanding of planning activities.
2. Examine the applicability of planning theories, methods, research, and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
3. Strive to achieve high standards of professionalism, including integrity, knowledge, and professional development. Obtain professional education throughout one's planning career and for those that are Members of AICP, comply with Certification Maintenance requirements.
4. Expand recognition of the value of AICP and FAICP credentials and acknowledge those who achieve and maintain it.
5. Commit to the advancement of the planning profession. Contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues. Increase the opportunities for members of underrepresented groups to enter and succeed in the profession, and to achieve AICP certification.
6. Contribute time and effort to our communities, particularly to those groups lacking in adequate planning resources, through pro bono planning activities.

## **Section B: Our Rules of Conduct**

We adhere to the following Rules of Conduct informed by the Aspirational Principles, and we understand that our Institute will enforce compliance with these rules. If we fail to adhere to these Rules we could receive sanctions, the ultimate being the loss of our certification:

### **Quality and Integrity of Practice**



1. We shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of this Code.
3. We shall not accept work beyond our professional competence, but may with the understanding and agreement of the client or employer, accept such work to be performed under the direction of, another professional competent to perform the work and acceptable to the client or employer.
4. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
5. We shall not direct or pressure other professionals to make analyses or reach findings not supported by available evidence.
6. We shall not deliberately commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness or the planning profession.

### **Conflict of Interest**

7. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
8. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless: a) our client or employer, after full prior written disclosure from us, consents in writing to the arrangement; and b) we make full disclosure of the potential conflict part on the public record at every public meeting and in all written reports related to the work.

### **Improper Influence/Abuse of Position**

9. As public officials or public employees, we shall not engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination.
10. We shall not engage in private communications with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, nor shall we, in the conduct of our work, imply an ability to improperly influence decisions.



12. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.

### **Honesty and Fair Dealing**

13. We shall not disclose or use to our advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in detriment to the client or employer., except when disclosure is required: (1) by process of law, or (2) to prevent a clear violation of law, or (3) to prevent a substantial injury to the public.
14. We shall not deliberately misrepresent the qualifications, views and findings of other professionals.
15. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
16. We shall not use the product of others' efforts to seek professional recognition, credit, or acclaim intended for producers of original work.
17. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.

### **Responsibility to Employer**

18. We shall not, as employees, undertake other employment in planning or a related profession, whether or not for financial remuneration, without having made full written disclosure to the employer who furnishes our pay and having received subsequent written permission to undertake additional employment, unless our employer has a written policy permitting such employment without consent. In no case shall a planner engage in any outside work that would create an actual conflict of interest.
19. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is significantly different to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our previous and current client or employer.

### **Discrimination/Harassment**

20. We shall not commit or ignore an act of discrimination or harassment.

### **Bringing a Charge/Lack of Cooperation with Ethics Officer**





21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us or if it is determined by the Ethics Officer or Ethics Committee that we have information/knowledge relevant to a charge filed against another AICP member.
22. We shall not harass, retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
23. We shall not use the AICP ethics process for any inappropriate purpose, including threatening to file, or filing an ethics charge against another planner for personal, pecuniary, or professional gain or filing of a meritless complaint against another planner.
24. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First-Class Mail if we are convicted of a "serious crime" as defined in Section E of the Code; nor immediately following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section E of the Code.

## Section C: Advisory Opinions

### 1. Introduction

Any person, whether or not an AICP member, may seek informal advice from the Ethics Officer, and any AICP member may seek a formal opinion from the Ethics Committee, on any matter relating to the Code of Ethics and Professional Conduct. In addition, the Ethics Committee may, from time to time, issue opinions applying the Code to ethical matters relating to planning.

### 2. Informal Advice

- a) Any person with a question about whether specific conduct conforms to the Code of Ethics and Professional Conduct may seek informal advice from the Ethics Officer. Any such person should contact the Ethics Officer to arrange a time to discuss the issue. The Ethics Officer will endeavor to schedule a call promptly and to provide the advice promptly.
- b) Informal advice will be given orally. However, the Ethics Officer will keep a record of the issue raised and the advice given.
- c) Informal advice is intended to assist the person who seeks it, but it is not binding on AICP. Nevertheless, the Ethics Committee will take it into consideration if the Committee is subsequently called upon to consider a charge of misconduct against a Certified Planner who relied on the advice.

### 3. Formal Advisory Opinions Requested by A Member



- a) Any AICP member with a question about whether specific conduct conforms to the Code of Ethics and Professional Conduct may seek a formal opinion from the Ethics Committee. Any such member should send a detailed description of the relevant facts and a clear statement of the question to the Ethics Officer.
- b) The Ethics Officer shall review each such request and determine whether there is sufficient information to permit a fully informed response or whether additional information is required.
- c) The Ethics Committee will not issue an Advisory Opinion if it determines that the request concerns past conduct that may be the subject of a charge of misconduct. It may also decline to issue an Advisory Opinion for any other reason. The Committee may, but is not required to, provide a reason for a decision not to issue an opinion.
- d) If the Ethics Committee determines to issue an Advisory Opinion, it will endeavor to do so within ninety (90) days after receiving all information necessary to the provision of the opinion. Every Advisory Opinion will be in writing.
- e) Any member who acts in compliance with a formal Advisory Opinion will have a defense to a charge of misconduct that is based on conduct permitted by the Opinion.
- f) The Ethics Committee, in its sole discretion, shall determine whether, and how, to publish any formal Advisory Opinion. If the Committee determines to publish an Advisory Opinion, the published Opinion will not, without appropriate consent, include the name or other identifying information of any person except to the extent that identifying information is helpful in setting forth the issue or in explaining the Committee's decision.
- g) Any AICP member who believes that a published formal Advisory Opinion is incorrect or incomplete may write to the Ethics Officer explaining the member's thinking and requesting reconsideration. The Ethics Officer shall transmit all such communications to the Ethics Committee. That Committee shall review such communications and determine what, if any, changes to make. The decision of the Committee shall be final.

#### **4. Formal Advisory Opinions Issued Without Request of A Member**

- a) The Ethics Committee may from time to time issue, without a request from a member, formal Advisory Opinions relating to the Code of Ethics and Professional Conduct when it believes that an Opinion will provide useful guidance to members.
- b) All formal Advisory Opinions issued under this paragraph shall be in writing and shall be published to the entire membership.
- c) Any AICP member who believes that a formal Advisory Opinion issued under this paragraph is incorrect or incomplete may write to the Ethics Officer explaining the member's thinking and requesting reconsideration. The Ethics Officer shall transmit all such communications to the Ethics Committee. That Committee shall review such



communications and determine what, if any, changes to make. The decision of the Committee shall be final.

## **5. Annual Report of the Ethics Officer**

- a) Prior to January 31 of each year, the Ethics Officer shall provide to the AICP Commission and to the Ethics Committee an Annual Report of all formal Advisory Opinions and all interpretations of the Code issued during the preceding calendar year. That report need not contain the full text of each formal Advisory Opinion and interpretation of the Code.
- b) The AICP Commission shall publish an Annual Report on ethics matters to the membership.

## **Section D: Adjudication of Complaints of Misconduct**

### **1. Filing a Complaint**

- a) Any person, whether or not an AICP member, may file an ethics complaint against a Certified Planner. An ethics complaint shall be sent to the AICP Ethics Officer on a form developed by the Ethics Officer and posted on the AICP website. The complaint must be signed and include contact information so that the Ethics Committee and the Ethics Officer will know with whom to follow up if questions arise or if the situation otherwise requires follow up. The person making the complaint ("the complainant") may request confidentiality. The AICP will attempt to honor that request. However, it cannot guarantee confidentiality and will disclose the identity of the complainant if disclosure is needed in order to reach an informed result or otherwise to advance the thoughtful consideration of the complaint. The complaint may be accompanied by a brief cover letter.
- b) The complaint shall identify the Certified Planner against whom the complaint is brought, describe the conduct at issue, cite the relevant provision(s) of the Code of Ethics and Professional Conduct, and explain the reasons that the conduct is thought to violate the Code.
- c) The complaint should be accompanied by all relevant documentation available to the complainant.
- d) The Ethics Officer shall determine whether the complaint contains all information necessary to making a fully informed decision. If the complaint does not contain all such information, the Ethics Officer shall contact the complainant to try to obtain the information.
- e) The Ethics Officer shall maintain, for use by the Ethics Committee, a log of all complaints against Certified Planners.

### **2. Preliminary Review**



- a) The Ethics Officer shall review each complaint, together with any supporting documentation, to make a preliminary determination of whether a violation may have occurred. Before making this determination, the Ethics Officer may request from the complainant any additional information that the Officer deems relevant.
- b) Within thirty (30) days after receiving all information that the Ethics Officer deems necessary to make a preliminary determination, the Ethics Officer shall make a preliminary determination whether a violation may have occurred.
- c) If the preliminary determination of the Ethics Officer is that it is clear that no violation has occurred, the complaint shall be dismissed. The complainant shall be so notified. Appeal of the determination of the Ethics Officer is only available to members of AICP. If the complainant is a member of AICP, the complainant shall have twenty (20) days from the date of notification to appeal the dismissal of the complaint to the Ethics Committee.
- d) If the preliminary determination of the Ethics Officer is that a violation may have occurred — or if, on appeal, the Ethics Committee reverses a preliminary dismissal, the Ethics Officer shall, within thirty (30) days, provide the complaint to the Certified Planner against whom the complaint was made ("the respondent"). The Ethics Officer shall request from the respondent a detailed response to the complaint, and any supporting documentation.

### **3. Fact Gathering**

- a) The respondent shall have thirty (30) days from the date of notification from the Ethics Officer to provide a response to the complaint, as well as any supporting documentation. The Ethics Officer may extend this time, for good cause shown, for a period not to exceed fourteen (14) days.
- b) The Ethics Officer shall provide the response of the respondent to the complainant, and shall give the complainant an opportunity to comment on the response within fourteen (14) days.
- c) If the Ethics Officer determines that additional information is needed from either the complainant or the respondent, the Ethics Officer shall attempt to obtain such information. The parties shall have fifteen (15) days to provide the requested additional information, with up to a fifteen (15) day extension at the discretion of the Ethics Officer if a request is made for additional time.

### **4. Exploration of Settlement**

- a) At any point in the process, the Ethics Officer may, after consultation with the Ethics Committee, attempt to negotiate a settlement of the complaint in accordance with the Code of Ethics and Professional Conduct.



- b) The Ethics Committee shall be notified of — and permitted to comment on — any potential settlement at an early stage. Any settlement must be approved by the Ethics Committee before becoming final. Upon approval by the Ethics Committee, a settlement agreement shall be signed by the respondent and, where appropriate, by the complainant.
- c) If a negotiated settlement is approved by the Ethics Committee and is signed in accordance with paragraph 4-b, the matter will be concluded, and no further action will be taken by AICP.

## **5. Decision**

- a) If neither the Ethics Officer nor the Ethics Committee determines to explore settlement or if the parties are unwilling to engage in settlement discussions or if a settlement is not reached, the Ethics Officer shall, after considering timely input from the parties, issue a written decision on the complaint. The Ethics Officer, at his or her sole discretion, may determine whether a hearing needs to be held. A hearing will be held by telephone or other electronic means unless all parties and the Ethics Officer agree that it should be held in person. The expenses of each party in connection with any hearing, such as transcripts, travel, and attorneys' fees, will be borne by that party.
- b) The Ethics Officer may determine that there is inadequate evidence of an ethics violation and therefore dismiss the complaint. Alternatively, the Ethics Officer may find that there has been an ethics violation. In either situation, the Ethics Officer shall explain the basis for the decision in a written opinion that cites and discusses the relevant provision(s) of the Code of Ethics and Professional Conduct.
- c) If the decision is that there has been a violation, the Ethics Officer shall impose such discipline as that Officer deems appropriate. The discipline may be: (1) a confidential letter of admonition, (2) a public letter of admonition, (3) suspension of AICP membership, or (4) revocation of AICP membership. The Ethics Officer shall explain the basis for the discipline imposed and may attach such conditions, e.g. requirement to get additional ethics training, as the Officer deems just.
- d) The Ethics Officer shall transmit the decision to the Ethics Committee and shall notify the parties of the decision. However, the Ethics Officer may determine not to disclose the remedy to a complainant who is not a member of AICP.

## **6. Appeal**

- a) Only current members of AICP may appeal a determination of the Ethics Officer. Within thirty (30) days after issuance of the written decision of the Ethics Officer, either the AICP complainant or respondent may appeal the decision to the Ethics Committee by filing a timely written notice of appeal with the Ethics Officer.





- b) If an appeal is timely filed, the party filing the appeal shall, within fourteen (14) days, provide the Ethics Officer with a written statement as to the basis for the appeal. The Ethics Officer shall, within ten (10) days, transmit that document to the party against whom the appeal is filed. That party shall have thirty (30) days to provide the Ethics Officer with a written statement of his or her position on the appeal. The Ethics Officer shall transmit all written statements of the parties to the Ethics Committee within ten (10) days after the record is complete.
- c) After receiving any timely filed statements of the parties, the Ethics Committee shall issue a written decision on the appeal. Before issuing a decision, the Ethics Committee, in its sole discretion, may consult with the Ethics Officer. The Ethics Committee may also, in its sole discretion, determine whether to hold a hearing at which the parties may present their positions and answer questions posed by the Committee. A hearing will be held by telephone or other electronic means unless all parties and the Ethics Committee agree that it should be held in person. The expenses of each party in connection with any hearing, such as transcripts, travel, and attorneys' fees, will be borne by that party.
- d) The Ethics Committee may (1) affirm the decision of the Ethics Officer; (2) affirm the decision but impose a different remedy; (3) vacate the decision of the Ethics Officer and return the case to the Ethics Officer for additional investigation, consideration of different Code sections or issues, or any other follow up; or (4) vacate the decision of the Ethics Officer and issue its own decision.
- e) A decision to affirm the decision of the Ethics Officer, to impose a different remedy, or to vacate that decision and to issue the Ethics Committee's own decision shall be final.
- f) If the decision is to return the case to the Ethics Officer for follow up, the Ethics Officer may seek to explore settlement or may issue a decision consistent with the decision of the Ethics Committee. Before issuing such a decision, the Ethics Officer may seek additional input from the parties in a manner and format consistent with the Code of Ethics and Professional Conduct.

## **7. Effect of Dropping of Charges by Complainant or Resignation by Respondent**

- a) If charges are dropped by the complainant, the Ethics Committee may, at its sole discretion, either terminate the ethics proceeding or continue the process without the complainant.
- b) If the respondent resigns from AICP or lets membership lapse after a complaint is filed but before the case is finalized, the Ethics Committee may, at its sole discretion, either terminate the ethics proceeding or continue the process. As in any situation, the Ethics Committee may also determine to file a complaint with the appropriate law enforcement authority if it believes that a violation of law may have occurred.

## **8. Reporting**



- a) Any written decision of the Ethics Committee may, at the discretion of the Committee, be published and titled "Opinion of the AICP Ethics Committee".
- b) Any written decision of the Ethics Officer shall be referenced in the Annual Report of the Ethics Officer.

## Section E: Discipline of Members

### 1. General

AICP members are subject to discipline for certain conduct. This conduct includes (a) conviction of a serious crime as defined in paragraph 3; (b) conviction of other crimes as set forth in paragraph 4; (c) a finding by the Ethics Committee or Ethics Officer that the member has engaged in unethical conduct; (d) loss, suspension, or restriction of state or other governmental professional licensure; (e) failure to make disclosure to AICP of any conviction of a serious crime or adverse professional licensure action; or (f) such other action as the Ethics Committee or the Ethics Officer, in the exercise of reasonable judgment, determines to be inconsistent with the professional responsibilities of a Certified Planner.

### 2. Forms of Discipline

The discipline available under this Policy includes: (a) a confidential letter of admonition, (b) a public letter of admonition, (c) suspension of AICP membership, or (d) revocation of AICP membership. The Ethics Officer or the Ethics Committee may attach conditions to these disciplinary actions, such as the writing of a letter of apology, the correction of a false statement or statements, the taking of an ethics course, the refunding of money, or any other conditions deemed just in light of the conduct in question.

### 3. Conviction of a Serious Crime

- a) The membership of a Certified Planner shall be revoked if the Planner has been convicted of a "serious crime". Membership shall be revoked whether the conviction resulted from a plea of guilty or nolo contendere, from a verdict after trial, or otherwise. Membership shall be revoked even if the Planner is appealing a conviction, but it will be reinstated if the conviction is overturned upon appeal.
- b) For purposes of this Policy, the term "serious crime" shall mean any crime that, in the judgment of the Ethics Committee or the Ethics Officer, involves false swearing, misrepresentation, fraud, failure to file income tax returns or to pay tax, deceit, bribery, extortion, misappropriation, theft, or physical harm to another.

### 4. Conviction of Other Crimes



- a) Discipline may also be imposed if a Certified Planner has been convicted of a crime not included within the definition of "serious crime," including an action determined by the Ethics Committee or the Ethics Officer to be inconsistent with the professional responsibilities of a Certified Planner.
- b) Before any discipline is imposed under this section, the member shall have a right to set forth his or her position in writing to the Ethics Officer. The Ethics Officer shall, in that Officer's sole discretion, determine whether to give the member a hearing. The Ethics Officer shall notify the member of the decision.
- c) A member who has had discipline imposed by the Ethics Officer shall have thirty (30) days from the date of notification of the adverse decision to file an appeal to the Ethics Committee. The member may do so by filing a timely notice of appeal with the Ethics Officer. The notice shall be accompanied by a statement of the basis for the appeal. The Ethics Officer will transmit any appeal and accompanying notice to the Ethics Committee. That Committee shall determine, in its sole discretion, whether to grant a hearing. The Ethics Committee shall, after considering the relevant information, issue a written opinion on the appeal.

## **5. Unethical Conduct**

The forms of discipline set forth in paragraph 2 shall apply to any member who is found to have engaged in unethical conduct in accordance with the procedures established in the Policy on Adjudication of Complaints of Misconduct.

## **6. Revocation, Suspension, or Restriction of Licensure**

- a) The Ethics Committee or Ethics Officer shall impose such discipline as the Committee or Officer regards as just if a state or other governmentally-issued professional license of a Certified Planner has been revoked, suspended, or restricted for any reason relating to improper conduct by the Planner.
- b) Before any discipline is imposed under this section, the provisions of section 4 (b) and (c) shall apply.

## **7. Duty to Notify Ethics Officer**

- a) A member who has been convicted of a serious crime or who has had his or her state or other governmentally-issued professional license revoked, suspended, or restricted for any reason relating to improper conduct by the member shall promptly report the relevant development to the Ethics Officer.



- b) Failure of a member to report that he or she has been convicted of a serious crime or has had a professional license revoked, suspended, or restricted for a reason relating to improper conduct by that member may itself result in discipline of that member.

## **8. Other Conduct Inconsistent with the Responsibilities of a Certified Planner**

- a) The Ethics Officer shall have the right to discipline any member for any conduct not otherwise covered by this Policy that the Officer determines to be inconsistent with the responsibilities of a Certified Planner.
- b) Conduct covered by this section shall include, but not be limited to, a finding in a civil case that the member has engaged in defamation or similar unlawful action, has knowingly infringed the copyright or other intellectual property of another, or has engaged in perjury.
- c) Before any discipline is imposed under this section, the provisions of section 4-b and 4-c shall apply.

## **9. Petition for Reinstatement**

- a) Any Certified Planner whose membership or certification is revoked may petition the Ethics Committee for reinstatement no sooner than five years from the time of revocation. The Ethics Committee shall determine, in its sole discretion, whether to afford the petitioner a hearing and/or whether to seek additional information. The Committee shall determine, in its sole judgment, whether reinstatement is appropriate and what, if any, conditions should be applied to any such reinstatement. The Ethics Officer shall transmit the reinstatement determination to the Planner.
- b) If the Ethics Committee denies the Petition, that Officer shall advise the Planner of the opportunity to file a subsequent petition after twelve (12) months have elapsed from the date of the determination.

## **10. Publication of Disciplinary Actions**

The Ethics Committee, in its sole discretion, may publish the names of members who have had disciplinary action imposed and to state the nature of the discipline that was imposed. The authority to publish shall survive the voluntary or involuntary termination or suspension of AICP membership and certification. The Ethics Committee, in its sole discretion, may also determine not to publish such information or to publish only so much of that information as it deems appropriate.



## **AICP Code of Ethics and Professional Conduct Draft Glossary**

October 2021

### **Diversity**

"Diversity is an inclusive concept which encompasses, but is not limited to, race, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs, and veteran status. With greater diversity, we can be more creative, effective, and just, and bring more varied perspectives, experiences, backgrounds, talents, and interests to the practice of planning and to the communities we serve. We recognize that achieving diversity and inclusion is an evolutionary process that requires an ongoing renewal of our commitment."

Source: American Planning Association [\*Planning for Equity Policy Guide\*](#), Page 6.

"Diversity is the presence of difference within a given setting. The presence of difference in a system aid in greater productivity, problem solving, enriched perspectives, and efficiency."

Source: PAS Memo May/June 2019. [\*More and Better: Increasing Diversity, Equity, and Inclusion in Planning\*](#). By Kendra L. Smith, PhD. Page 2

Diversity is an inclusive concept which encompasses, but not is not limited to race, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs and veteran status. With greater diversity, we can be more creative, effective and just, and bring more varied perspectives, experiences, backgrounds, talents and interests to the practice of planning and to the communities we serve.

Source: APA *Equity, Diversity, and Inclusion Vision, Mission and Strategy*. Updated September 2019.

American Planning Association *Equity, Diversity, and Inclusion Vision Statement*.

Original source: Policy Link. "[The Equity Manifesto](#)." 2019.

### **Equity**

Equity is giving attention to the advantages and disadvantages that exist among groups and individuals, correction of the inequities identified, and provision of access to resources and opportunities needed.





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Equity is different from diversity. Diversity invites others in, but equity modifies practices to support inclusion and flourishing. This is why the distinction between diversity and equity is so important. Diversity is largely numbers-driven. It is easier to gauge and apply metrics to. Equity, on the other hand, is largely values-driven.

Source: PAS Memo May/June 2019. [More and Better: Increasing Diversity, Equity, and Inclusion in Planning](#). By Kendra L. Smith, Ph.D. Page 2

Equity is "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. Unlocking the promise of the nation by unleashing the promise in us all." The inclusive, holistic nature of this definition provides the foundation for considering and applying an equity process in all facets of planning, all levels of planning, all means of planning, and in all planning policies, working to eliminate socio-economic disparities.

*APA Equity, Diversity, and Inclusion Vision, Mission and Strategy*. Updated September 2019.  
*American Planning Association Equity, Diversity, and Inclusion Vision Statement*.

## Environmental Injustice

Environmental justice is defined by the U.S. Environmental Protection Agency as "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." The movement toward environmental justice was started primarily by people of color and grew from a recognition that the poor and people of color are those who most often live in or near America's most polluted environments.

Source: American Planning Association [Planning for Equity Policy Guide](#), Page 8. Injustice is the absence of fair treatment and meaningful involvement.

Source: American Planning Association [Planning for Equity Policy Guide](#)

## Harassment

According to the EEOC, harassment is unwelcome behavior. It must be relatively severe or pervasive in nature. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment. Most of the unacceptable behaviors noted below are related to the workplace, but planners should make sure that information they communicate on any form of social media respect these norms.

Types of harassment and examples include:

### 1. Verbal/Written

- Sending emails with offensive jokes or graphics about race or religion



- Repeatedly requesting dates or sexual favors in person or through other forms of communication.
- Asking about family history of illnesses or genetic disorders
- Making derogatory comments about someone's disability or age
- Imitating someone's foreign accent behind their back.
- Posting information on social media of a derogatory nature.

## **2. Physical**

- Lewd hand gestures or other gestures meant to convey curse words
- Unwanted touching of a person or their clothing
- Frequently following or standing too close to a person on purpose
- Making sexually suggestive facial expressions
- Playing music with offensive or degrading language

## **3. Visual**

- Wearing clothing with offensive or vulgar language
- Displaying posters or pictures of a sexual nature
- Showing other people sexually suggestive text messages or emails or social media posts.
- Watching pornographic or violent videos
- Drawing violent or derogatory images

Source: [3 Types Of Workplace Harassment To Watch Out For](#), Everfi.com

## Historic Patterns of Inequity

Low-income residents, communities of color, tribal nations, and immigrant communities have disproportionately experienced some of the greatest environmental burdens and related health problems. This inequity is the result of many factors: inappropriate zoning and negligent land use planning; failure to enforce proper zoning or conduct regular inspections; deed restrictions and other discriminatory housing and lending practices; the prioritization of business interests over public health; development patterns that tend to concentrate pollution and environmental hazards in certain communities; and the like.

Source: American Planning Association [Planning for Equity Policy Guide](#), Page 9 in a citation attributed to [SB 1000 Implementation Toolkit: Planning for Healthy Communities](#), which was published in 2017 by PlaceWorks and the California Environmental Justice Alliance.

Historically marginalized/underrepresented communities — Groups denied full participation in the mainstream cultural, political, and economic activities.



Groups and communities that experience discrimination and exclusion (social, political and economic) because of unequal power relationships across economic, political, social and cultural dimensions.

Source: [National Collaborating Center for Determinants of Health](#).

Historically marginalized/underrepresented communities include:

- Cultural minorities
- Ethnic minorities
- Indigenous communities
- Low-income individuals
- LGBTQ+
- People of color
- People with health issues that are unseen
- People with disabilities
- People with limited English ability
- People with various political beliefs
- People with uncertain immigration status
- Prisoners
- Senior citizens

## Inclusion

Inclusion "demonstrates an environment in which all individuals are treated fairly and respectfully; are valued for their distinctive skills, experiences, and perspectives; have equal access to resources and opportunities; and can contribute fully to the organization's success."

Source: *APA Equity, Diversity, and Inclusion Vision, Mission and Strategy Updated* September 2019. American Planning Association *Equity, Diversity, and Inclusion Vision Statement*.

Original source: American Library Association. "[Equity, Diversity, Inclusion: An interpretation of the Library Bill of Rights](#)." 2007.

## Indigenous Peoples

Indigenous Peoples are distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced. The land and natural resources on which they depend are inextricably linked to their identities, cultures, livelihoods, as well as their physical and spiritual well-being. They often subscribe to their customary leaders and organizations for representation that are distinct or separate from



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those of the mainstream society or culture. Many Indigenous Peoples still maintain a language distinct from the official language or languages of the country or region in which they reside.

Source: [World Bank definition](#)

## Privilege

A right or benefit that is given to some people and not to others

Source: [Merriam Webster Dictionary](#)

White privilege is an institutional (rather than personal) set of benefits granted to those of us who, by race, resemble the people who dominate the powerful positions in our institutions. One of the primary privileges is that of having greater access to power and resources than people of color do.

Source: [Understanding White Privilege](#) by Francis E. Kendall, Ph.D., © 2002

## Social Justice

The goal of social justice is not met when underserved populations shoulder the weight of untenable living conditions, and subsequently experience no material benefit after community improvements are implemented. Instead, social justice requires the examination of both the positive and negative impacts of community improvements on all community members so that all members benefit and no one group or neighborhood is unfairly disadvantaged. This results in "paying it forward," by improving conditions for future residents.

Source: American Planning Association [Planning for Equity Policy Guide](#), Page 5

## Substantial Injury

A real and immediate physical injury or a resulting adverse physical condition of a substantial nature to one or more persons.

Source: [Lawinsider.com](#)

The act or practice must cause or be likely to cause substantial injury to consumers. Substantial injury usually involves monetary harm. Monetary harm includes, for example, costs or fees paid by consumers as a result of an unfair practice. 5 An act or practice that causes a small amount of harm to a large number of people may be deemed to cause substantial injury. Actual injury is not required in every case. A significant risk of concrete harm is also sufficient. However, trivial or merely speculative harms are typically insufficient for a finding of substantial injury. Emotional



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impact and other more subjective types of harm also will not ordinarily amount to substantial injury. Nevertheless, in certain circumstances, such as unreasonable debt collection harassment, emotional impacts may amount to or contribute to substantial injury.

Source: Consumer Financial Protection Bureau, [Consumer Laws and Regulations](#), Page 2



VILLAGE OF DECATUR PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE

Sec. I. AUTHORITY

These By-Laws and Rules of Procedure are adopted by the Village of Decatur Planning Commission, pursuant to Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act (MPEA), and Public Act 267 of 1976, as amended, the Open Meetings Act.

Sec. II. MEMBERSHIP

- A. The Planning Commission shall consist of five (5) members, who shall be representative of the different professions, occupations, geographical areas, and constituencies as they exist in the Village. All members shall be qualified electors of the Village. One member of the Planning Commission shall be a member of the Village Council.
- B. The members of the Planning Commission shall be appointed by the Village President with the approval of the Village Council. Upon written charges and after a public hearing, a Planning Commission member may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office. Failure to disclose a conflict of interest shall constitute malfeasance in office.
- C. The term of each appointed member shall be three (3) years or until his or her successor takes office. Members shall be appointed to staggered terms such that no more than two (2) members' terms shall expire in the same year. The term of the ex-officio member from the Village Council shall be the same as their term in office or until they are replaced by another representative from the Council.
- D. The Planning Commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. Minutes of Planning Commission meetings shall be kept on file at Village Hall for public review.

Sec. III. OFFICERS AND COMMITTEES

The Planning Commission shall elect a chairperson, vice-chairperson, and secretary at the first regular Planning Commission meeting of the year. These officers shall serve for a twelve (12) month period and are eligible for re-election. The representative from the Village Council shall not be eligible to serve as Chairperson.

#### Sec. IV. DUTIES OF OFFICERS.

The Chairperson shall preside at all Commission meetings; act as general supervisor over the affairs of the Commission; shall appoint special committees, call meetings, and perform all other duties that are incident to his office. The Vice-Chairperson shall preside at all meetings in the absence of the chairperson and perform all duties of the chairperson.

The Secretary, or his/her delegate, shall attend all meetings, keep minutes of all meetings, keep and record all official records and documents necessary to comply with the MPEA and subsequent amendments and shall send copies of the minutes of all meetings to the Village Clerk. The Secretary shall send and receive all correspondence pertaining to the business of the Commission.

#### Sec. V. COMMITTEES

Any committee that may be deemed necessary and advisable for the proper conduct of Planning Commission business may be established for purposes and terms that the Commission approves. Members of a committee shall be designated by the Chairperson, subject to approval by a majority of the Commission members present at the meeting. Committee members may include members who are not members of the Planning Commission.

#### Sec. VI. REPRESENTATION OF APPLICANTS

No member of the Commission shall represent any applicants on matters on which the Commission is to make determinations.

#### Sec. VII. CONFLICT OF INTEREST

Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

- A. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision.

An immediate family member is defined as 'the member's spouse, the member and member's spouse's children (including adopted) and their spouses, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, parents' in-law, grandparents' in-law, or any person residing in the member's household.'

- B. The member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
- C. The member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request. (or 'any property falling within the notification radius for the application or proposed development, as required by ordinance.')
- D. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Board present.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Board and shall be determined by a majority vote of the remaining members of the Board.

Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

#### Sec. VIII. MEETINGS.

The Planning commission shall hold at least four (4) regular meetings each year. All meetings shall be posted at the Village Hall according to the Open Meetings Act. The Notice shall include the date and time of the meeting. A Quorum shall consist of three ( 3) members. A member shall be deemed to have resigned if he/she fails to attend three (3) consecutive regular meetings.

#### Sec. IX. SPECIAL MEETINGS.

A special meeting may be called by three (3) members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business to which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to commission members not less than forty-eight ( 48) hours in advance of the meeting.

#### Sec. X. HEARINGS.

Hearings shall be scheduled and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public Hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure. This procedure may be modified as necessary and warranted by the Planning Commission Chairperson based on the nature of the

application and the material under review to ensure an efficient and effective hearing.

## PUBLIC HEARING PROCEDURAL GUIDE

ITEM		PERSON
1.	OPENING OF HEARING	
A.	Official opening announcement, indicating basic nature of request, citing public notice in official newspaper and notification of neighboring properties (if applicable).	Chairperson
B.	Announce order of hearing which is as follows:	Chairperson
	1. Explanation of request as received by community.	
	2. Review and recommendation by planner/ professionals.	
	3. Comments and explanations by applicant.	
	4. Questions by Commission.	
	5. Responses by professionals and/or applicant.	
	6. Opening of hearing for public comments.	
	7. Close hearing to public comments	
	8. Consideration of action by Commission.	
C.	Announce that all comments will be addressed to the Chairperson. Each person will be given an opportunity to be heard; second comments will not be permitted until every person has had the chance to speak for the first time. In the interest of fairness to the public, ask that statements from the floor be concise as possible. The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand. (For large hearings, a time limit shall be established.)	Chairperson

- D. Indicate that at all times during the hearings the Chairperson expects courtesy of all participants. (It is imperative that all decisions be based upon "findings of fact." Controversial hearings which allow catcalls, booing or votes of the public can be seriously challenged by an aggrieved party as being an emotional decision rather than one based upon proper facts and accepted principals of planning.) Chairperson
2. PRESENTATION OF PROPOSAL. Chairperson
- The following procedure assumes that an application has been received which provides all the necessary information and documentation. Such applications must provide sufficient lead-time to permit proper review by all necessary staff and board members involved prior to the formal hearing. Hearings which allow major factual elements to be submitted for the first time at the hearing cannot typically produce effective review and decision making.
- A. Presentation by municipal advisors: Staff/Consultant
1. Compliance with local ordinances and requirements.
  2. Conformance with desirable and established principles of development.
  3. Conflicts and discrepancies.
  4. Recommendations.
  5. Questions from Commission for reasons of clarification.
- B. Presentation by applicant: Applicant
1. Brief review of project proposal.
  2. Response to questions raised by municipal advisors.
  3. Questions by Commission.



4. Statement for record of any changes to proposal which will be made to correct problems noted.

### 3. OPENING OF HEARING TO FLOOR.

At this point the public will have a more definitive explanation of the proposal together with any potential amendments/alternatives.

- |    |  |             |
|----|--|-------------|
| A. | Announce opening of hearing to public comments with reminder that all comments and questions will be: addressed to the Chairperson, limited to a set time, and that additional comments will be received once every person has had the opportunity to be heard for the first time.   | Chairperson |
| B. | Indicate that once a person has been recognized by the Chairperson they shall stand and give their name, address and concise statement of their questions and/or concerns. (When individual time limits have been imposed, the Chairperson reserves the right to limit the amount of time allocated to a spokesperson to avoid filibustering.) | Chairperson |
| C. | The Chairman may elect during the course of public comments to obtain brief answers from its municipal advisors or the applicant if such comments may expedite the hearing.  | Chairperson |
| D. | Receive for the official record any letters and/or petitions received by the municipality regarding the matter. Read and/or summarize this matter.   | Chairperson |
| E. | Close the hearing to public comment following completion of public participation.  | Chairperson |

#### 4. CONSIDERATION OF MATTER BY COMMISSION

- |      |  |            |
|------|--|------------|
| A.   | Commission members, when recognized may continue discussion and seek additional information from others in attendance (through the Chairperson). | Commission |
| <br> |  |            |
| B.   | Typically, four (4) courses of action are open to the Commission:  | Commission |
| <br> |  |            |
| 1.   | Approval.  |            |
| 2.   | Approval with conditions.  |            |
| 3.   | Denial   |            |
| 4.   | Tabling/ Adjournment to future meeting   |            |

Motions for any approvals or denials should include reasons for such actions. Motions for tabling or adjournment should also include reasons and the date, time and place the matter will be further considered. Adjournment is normally used for continuation of a hearing without having to readvertise.

#### Sec. XI. VOTING.

An affirmative vote of the majority of the members of the Planning Commission is required to approve any part of the Master Plan or amendments to the Plan or to amend these bylaws.

Unless otherwise required by statute, other actions or motions placed before the Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present.

Voting shall be by voice vote; a roll call vote shall be required if requested by any Commission member or directed by the Chairperson.

#### Sec. XII. RULES OF ORDER.

All meetings of the Commission shall be conducted in general accord with the most recently published version of "Robert's Rules of Orders."

#### Sec. XIII. ANNUAL REPORT

The Planning Commission shall prepare an annual report for the Village Council, which lists the attendance of each member, the activities performed by the Planning Commission during the

year, common enforcement or appeals issues, recommendations regarding master plan and zoning activities for the coming year, and recommended budget allocations for the upcoming year to support these activities. This report shall be for activity through December 31st of each year and submitted to the Village Council prior to adoption of the next fiscal year's budget.

#### Sec. XIV. NOTICE OF DECISION

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request.

#### Sec. XV. AMENDING RULES

These rules may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by state law or the Village Ordinance. An amendment may be proposed and acted on at any regular meeting of the Commission.

#### Sec. XVI. WAIVING OR SUSPENDING RULES

A rule of procedure may be suspended or waived at any meeting by majority vote of Commission members present unless state legislation or the Village Ordinance sets such rule.