

ARTICLE VIII: USES AUTHOURIZED BY SPECIAL USE PERMIT

SECTION 8.1 GENERAL STANDARDS AND REQUIREMENTS

8.1.1. INTENT AND PURPOSE: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this zoning ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide controllable and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Planning Commission and the City Council have the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other Articles of this Ordinance, designate specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

8.1.2. PERMIT PROCEDURES: An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under these following procedures.

1.) Submission of Application: Any application shall be submitted through the City Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the City Council to cover costs of processing the application. No part of any fee shall be refundable.

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2.) Data Required: Every application shall be accompanied by the following information and data:

a.) The special form supplied by the City Clerk, filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in Section 8.1.3.

b.) Site plan, plot plan, or development plan, drawn to scale (preferably 1" = 100') of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, and their uses, and the location and extent of all above ground development, both existing and proposed.

c.) Preliminary plans and specifications of the proposed development and for all construction.

3.) Changes in the Site Plan: The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this ordinance receives the mutual agreement of the landowner and the Planning Commission.

4.) Approval of the Site Plan by Compliance: A site plan shall be approved if it contains the information required by this section and is in compliance with the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, and the State and federal statutes.

5.) Planning Commission Review: The application, along with all required data, shall be transmitted to the Planning Commission for review. After adequate review and study of the application, one (1) notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the (Name of Community) and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whose real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice

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shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not being not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- a.) Describe the nature of the special land use request.
- b.) Indicate the property which is the subject of the special land use request.
- c.) State when and where the special land use request will be considered.
- d.) Indicate when and where written comments will be received concerning the request.
- e.) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

6.) Discretionary Public Hearing: At the initiative of Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in this section shall be held before a decision on the special land use request which is based on discretionary grounds is made. If the applicant or the Planning

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Commission request a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request is given as required. Said notice shall indicate the place, time and purpose of the hearing. Upon conclusion of the hearing procedures, the Planning Commission shall transmit a written recommendation within sixty (60) days to the City Council setting forth the reasons for the acceptance, denial or modification of the special use permit application.

7.) City Council: Upon receipt of the Planning Commission's recommendation, the City Council shall consider the special use permit application at its next regular meeting. The City Council shall approve or disapprove the recommendations of the Planning Commission; or if the City Council deems any changes, additions or departures are advisable to the proposed conditions of the proposed permit or if it is felt additional study is necessary, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the City Council. The decision rendered by the City Council on the special use permit application shall be accompanied with a clear explanation of the reason for the action taken. Any permit issued shall contain all the specified conditions under which the use is allowed. Only upon approval of the City Council or the Board of Appeals in the event of an appeal, shall a special use permit be issued by the City Clerk.

8.) Permit Expiration: A special use permit issued under this Section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of said permit. The Planning Commission shall review every special use permit and the associated land use prior to the expiration of the permit and shall recommend continuance or discontinuance of said permit based on whether the activities, structures and other site characteristics satisfactorily comply with the conditions

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stipulated in the special use permit. This determination of the Planning Commission shall be forwarded to the City Council with a recommended action. After the first year review the Council may extend the permit for periods of longer than one year.

9.) Permit Revocation: The City Council shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

10.) Violation and Penalties: Failure to terminate the use for which the permit was granted within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance. The violation shall be reported to the City Attorney who is hereby authorized to and shall initiate procedures to eliminate such violations. For each and every day the violation continues beyond the aforementioned sixty (60) days, a separate offense shall be declared. Any person, firm, corporation, or legal entity violating any provisions of this Ordinance shall be adjudged guilty of maintaining a nuisance per se, punishable by imprisonment for not more than ninety (90) days or by a fine of not more than one hundred dollars (\$100) or by both such fine and imprisonment.

11.) Appeal: An appeal of the City Council's decision to approve or deny the issuance of a special use permit, or an appeal to modify the conditions of a special use permit approval may be made to the Board of Appeals in accordance with the provisions of Article IV.

12.) Reapplication: No application for a special use permit which has been denied wholly or in part by the City Council shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

8.1.3. BASIS FOR DETERMINATIONS: Before making a recommendation on a special use permit application, the Planning Commission shall established beyond a reasonable doubt that the following

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general standards, as well as the specific standards outlined in each applicable Section of this Article, shall be satisfied.

1.) General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

- a.) Be harmonious with and in accordance with the general principals and objectives of the Future Land Use Plan of the City of Olivet.
- b.) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- c.) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- d.) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, draining structures, refuse disposal, water and sewage facilities and schools.
- e.) Not involve uses, activities, processes, materials, and equipment, or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- f.) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.

g.) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.

2.) Conditions and Safeguards: The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. 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 shall remain unchanged except upon the mutual consent of the City Council and the landowner. The City Clerk shall maintain a record of changes granted in conditions. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

3.) Specific Requirements: The general standards and requirements of this Section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following Sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

SECTION 8.2 INSTITUTIONAL STRUCTURES AND USES IN RESIDENTIAL BUSINESS AND AGRICULTURAL DISTRICTS

8.2.1. AUTHORIZATION: In recognition of the many institutional types of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, the Planning Commission and the City Council may authorize the construction, maintenance and operation in residential, general business or agricultural districts of certain institutional uses specified in this Section by the issuance of a special use permit. Such permit shall not be issued unless all the procedures and applicable requirements stated in Section 8.1 together with the additional requirements of this Section can be complied with.

8.2.2. INSTITUTIONAL USES THAT MAY BE PERMITTED: The following land and structure uses may be permitted in residential or agricultural districts, PROVIDED the applicable stipulated conditions can be complied with:

1.) Institutions for Human Care:

- Hospitals
- Sanitariums
- Nursing or convalescent homes
- Homes for the aged and foster care homes
- Philanthropic and eleemosynary institutions
- Clinics and professional offices for doctors, dentists and optometrists.

2.) Religious Institutions:

- Churches or similar places of worship
- Convents
- Parsonages and parish houses
- Other housing for clergy

3.) Educational and Social Institutions:

- Public and private elementary schools, high schools, and institutions for higher education, PROVIDED that none are operated for profit
- Auditoriums and other places of assembly
- Centers for social activities, excluding schools or studies for music and dancing instruction, but including lodges and social facilities for fraternal or like organizations.

4.) Public Buildings and Public Services Installations:

- Publically-owned and operated buildings
- Public utility buildings and structures
- Telephone exchange buildings
- Transformer stations and substations
- Gas regulator stations
- Radio and television stations

8.2.3. INSTUTIONS SPECIFICALLY PROHIBITED: The following uses, but not limited to these enumerated, shall not be permitted in any residential district, but may be allowed in an agricultural district.

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1.) Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients.

2.) Camps or correctional institutions.

8.2.4. SITE LOCATION PRINCIPALS: The following principals shall be utilized to evaluate the proposed location of any institutional use within a residential, general business or agricultural district. These principals are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed to be located.

1.) Any institutional structure or use should, preferably, be located at the edge of a residential or agricultural district, abutting either a business or industrial district or adjacent to a public open space.

2.) Motor vehicle entrance should be made on a major thoroughfare or as immediately accessible for the major thoroughfare as to avoid the impact of traffic generated by the institutional use upon a residential area.

3.) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

8.2.5. SITE DEVELOPMENT REQUIREMENTS: A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction or alternation of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted.

1.) Hospitals:

a.) The proposed site shall be at least ten (10) acres in area.

b.) The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the major thoroughfare.

c.) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

d.) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

e.) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

f.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

g.) Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1, and off-street loading in conformance with Article VII, Section 7.2.

2.) Churches

a.) The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.

b.) The proposed site shall be so located as to have at least one property line on a major thoroughfare. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.

c.) No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial eighty (80) feet an additional

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one (1) foot for each foot of additional height above the district height limitation.

d.) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

e.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

f.) Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1.

3.) For all other uses that may be permitted, except public utility transformer stations and substations, gas regulator stations, housing for religious personnel attached to a church or school function and foster care homes.

a.) The proposed site shall be at least two (2) acres in area.

b.) No building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial fifty (50) foot setback an additional one (1) foot for each foot of additional height above the district height limitations.

c.) No more than twenty-five percent (25%) of the gross site area shall be covered by buildings.

d.) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings shall blend appropriately with the surrounding area.

e.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

f.) Off-street parking shall be provided in accordance with the schedule outlined in Article VII, Section 7.1. No parking space shall be provided in the front yard and the parking areas shall be screened from surrounding residential areas by a wall or

fence, in combination with suitable plant materials, not less than four (4) feet in height.

4.) For Public Utility Transformer Stations and Substations, Gas Regulator Stations, Housing for Religious Personnel Attached to a Church or School Function, and Radio, Television and Microwave Transmission Towers.

a.) Lot area and lot width shall be not less than that specified for the district in which the proposed use would be located.

b.) Yard and setback requirements shall not be less than that specified for the district in which the proposed use would be located.

c.) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.

d.) Not more than thirty percent (30%) of the lot area may be covered by buildings.

e.) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

f.) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

g.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

h.) Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, 7.1.

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5.) For Adult Foster Care Homes providing residence and care to not more than six (6) ambulatory patients and eighteen (18) or older:

a.) Lot area, lot width, yard, height and setback requirements shall not be less than that specified for the district in which the proposed use would be located.

b.) Not more than thirty percent (30%) of the lot area may be covered by buildings.

c.) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

d.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.7.3.

e.) A minimum of three off-street parking spaces shall be priced for each foster care home.

SECTION 8.3 PLANNED UNIT DEVELOPMENTS

8.3.1. AUTHORIZATION: Rapid and intensive urbanization in certain areas of Eaton County during the past decade has produced a need for an economical single-family living unit that is adaptable to urban densities, but that retains many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments, and similar types of housing units with common property areas; cluster types of subdivisions in which housing units are arranged in cluster forms, and housing units developed with related recreational space, such as golf courses, swimming pools, private parks, community centers, and other recreational facilities.

It is the purpose of this Section to encourage more imaginative and livable housing environments within the R-M1 Residential Districts through planned reduction, or averaging, of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or a group of

owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for construction and occupancy of a planned unit development providing the standards, procedures and requirements set forth in this Section can be complied with.

8.3.2. OBJECTIVES: The following objectives shall be considered in reviewing any application for a special use permit planned unit development.

1.) To provide a more desirable living environment by preserving the natural, character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.

2.) To encourage the provision of open space and the development of recreational facilities at a generally central location and within reasonable distance of all living units.

3.) To encourage developers to use more innovation in land use and variety in design, layout, and type structures constructed.

4.) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.

5.) To encourage variety in physical development pattern of the City by providing better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the community.

8.3.3. QUALIFYING CONDITIONS: Any applications for a special use permit shall meet the following conditions to qualify for consideration as a planned unit development:

1.) The planned unit development site shall be not less than ten (10) acres in area, shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.

2.) The planned unit development site shall be located within the R-M1 Residential Districts.

3.) Public water and sewer facilities shall be available or shall be provided as part of the site development.

4.) The proposed population density of the planned unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.

5.) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the City or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the City a covenant or interest therein so that there are assurances that the required open space shall remain open.

6.) The proposed planned unit development shall meet all of the general standards outlined in this Article, Section 8.1.3.

8.3.4. MULTI-PHASED PROJECTS: Final approvals may be granted on each phase of a multi-phased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

8.3.5. USES THAT MAY BE PERMITTED: The following uses of land and structures may be permitted within planned unit developments:

1.) All uses permitted by right, or by special use permit in the R-1B Residential Districts, subject to all the restrictions specified therefor.

2.) Townhouses, row houses, garden apartments, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than five (5) dwelling units in any contiguous group.

3.) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:

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a.) Private recreational facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

b.) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservations.

4.) Name Plates and signs as provided in Article VI, Section 6.2.3.

5.) Off-street parking as provided in Article VII, Section 7.1.

6.) Customary accessory uses as permitted in R-1B and R-M1 Residential Districts.

8.3.6. LOT SIZE VARIATION PROCEDURE: The lot area for planned unit developments within R-1B Residential Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

1.) Site Acreage Computation: The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements for the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

a.) Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.

b.) Lands within floodplains as specified in Article VI, Section 6.6.

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2.) Maximum Number of Lots and Dwelling Units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirement of the dwelling unit density type allowed in the R-M1 District.

a.) The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty percent (20%) for the R-M1 Residential District. These percentages shall apply regardless of the amount of land actually required for the street right-of-way.

b.) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

3.) Permissive Minimum Lot Area: Notwithstanding other procedures set forth in the Section, lot sizes within planned unit developments shall not be varied or reduced in area below the following minimum standards:

a.) One-Family Detached Dwelling Units: Six thousand three hundred (6300) square feet of lot area within the R-M1 Residential District.

b.) Two-Family Dwellings: Six thousand (6000) square feet of lot area within the R-M1 Residential District.

c.) Townhouses, Row Houses, or Other Similar Dwelling Types: Three thousand (3,000) square feet of lot area for each dwelling unit for the R-M1 Residential District.

4.) Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

a.) Front Yard: Twenty-five (25) feet for all dwellings, PROVIDED that front yard requirements may be varied by the Planning

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Commission after consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.

b.) Side Yard: Eight (8) feet on each side for all one and two-family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.

c.) Rear Yard: Twenty-five (25) feet for all dwellings, PROVIDED that the rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.

5.) Maximum Permissive Building Height: Two and one-half (2-1/2) stories, but not exceeding thirty-five (35) feet. Accessory buildings shall not exceed a height of fifteen (15) feet.

8.3.7. Open Space Requirements: For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use an enjoyment of present and future lot or home owners within the development, or may be dedicated to the City as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the City Council one of the following procedures as part of its approval of a special use permit for a planned unit development:

1.) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owner's association or other similar nonprofit organizations so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon and PROVIDED FURTHER an open space easement for said land may be conveyed to the City to assure that open land shall remain open.

2.) That open space land may be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of said land conforms to the Future Land Use

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Plan for the City of Olivet and PROVIDED further that the access to and the characteristics of said land are such that it will be readily available to and desirable for public use, development and maintenance.

It is the intent of this Section that in cases where option 8.3.7. (2) above is determined to be in the best interest of the City that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands PROVIDED the owners have not in any way altered the natural condition of said open space lands during the course of the construction and occupation of the premises.

8.3.8. APPROVAL UPON COMPLIANCE: A request for approval of a land use or activity which is in compliance with the standards stated in Article VIII and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes shall be approved.

SECTION 8.4 PRIVATE NONCOMMERCIAL RECREATION AREAS

8.4.1. AUTHORIZATION: As urban development utilizes more and more land area within the City there is created an increasing need and demand for recreational facilities to serve a concentration of urban dwellings. In order to accommodate such demand, and to encourage private development of recreational facilities within close proximity to the residences they serve, this Section permits the construction of certain types of nonprofit, noncommercial recreation facilities within the R-1B and R-M1 Residential Districts and the A-1 Agricultural District. Those uses may be authorized by the issuance of a special use permit when all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section can be complied with.

8.4.2. USES THAT MAY BE PERMITTED: Private community swimming pools, community recreation centers, tennis courts, and other noncommercial recreation facilities may be authorized, PROVIDED such facilities are to be constructed, maintained and operated by an incorporated, nonprofit club or organization with a specified limitation of members and PROVIDED FURTHER that such recreation facilities shall be operated for the exclusive use of organization members and their guests.

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8.4.3. SITE DEVELOPMENT REQUIREMENTS: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

1.) Minimum Site Size: One (1) acre with a minimum width of one hundred fifty (150) feet.

2.) Site Location: In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be provided directly from said thoroughfare.

3.) Yards: Front, side, and rear yards shall be at least thirty (30) feet, except on those sides adjacent to non-residential districts wherein it shall be ten (10) feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

4.) Off-street parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1. Prior to the issuance of a special use permit for any use permitted in this Section, a certified copy of the bylaws of the nonprofit organization shall be filed with the Planning Commission in order to establish the membership involved for computing the off-street parking requirements. Whenever a parking plan is so laid out as to beam automobile lights into any residential district, a solid wall or open structure wood screen fence four (4) feet in height shall be constructed along that side of the parking area. Shrubs or trees may be used in combination with said structural screens or walls.

5.) Swimming Pool: Whenever an unenclosed swimming pool is constructed under this Section, said pool shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.

6.) Lighting: No lighting shall have a visible source of illumination unless such lighting is necessary to carry on particular recreation pursuits. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.

SECTION 8.5 DAY NURSERY

8.5.1. AUTHORIZATION: In order to facilitate the care of preschool children within a desirable home environment, this Section provides for the inclusion of nursery schools and child care centers within the R-1B Medium Density Residential and R-M1 Multiple-Family Residential Districts and in churches within any one district. This use may be authorized by the issuance of a special use permit when all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section can be complied with.

8.5.2. USES THAT MAY BE PERMITTED: Nursery schools, day nurseries and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit used for residential purposes on the site.

8.5.3. SITE DEVELOPMENT REQUIREMENTS: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with.

1.) Minimum Site Size: Eight thousand seven hundred (8,700) square feet with sixty-six (66) foot lot width, PROVIDED that no more than four (4) children shall be kept on the premises in addition to the children of the foster family. For each child, not a member of the family in excess of four (4), there shall be provided two hundred (200) square feet of lot area in addition to the base figure of eight thousand seven hundred (8,700) square feet.

2.) Yards: Front, side, and rear yards shall conform to the requirements of Article V, Section 5.9 for R-1B District.

3.) Maximum building height and maximum lot coverage shall be no greater than that permitted in the R-1B District.

4.) Off-street parking shall be provided in conformance with the Multiple Dwelling requirements of Article VII, Section 7.1.

5.) Signs as provided in Article VI, Section 6.2.3.

6.) Play Areas: There shall be provided on the site a usable outdoor play area at the rate of seventy-five (75) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

SECTION 8.6 FUNERAL HOMES AND MORTUARIES

8.6.1. AUTHORIZATION: Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique locational and site development characteristics of these functions, such uses of land may be authorized by special use permit within the R-M1 Multiple-Family Residential Districts when all of the procedures and applicable requirements stated in Section 8.1 and the additional requirements of this Section can be complied with.

8.6.2. USES THAT MAY BE PERMITTED: Funeral homes, undertaking parlors and mortuaries, PROVIDED that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in any accessory building. A caretaker's residence may be provided within the principal building.

8.6.3. SITE DEVELOPMENT REQUIREMENTS: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

1.) Minimum Site Size: One (1) acre site with a minimum width of one hundred fifty (150) feet.

2.) Site Location: The proposed site shall front upon a major thoroughfare. All ingress and egress points to the site shall be directly from said thoroughfare.

3.) Yards: Front, side and rear yards shall be at least fifty (50) feet, except on those sides adjacent to non-residential districts wherein it shall be twenty (20) feet. All yards shall be appropriately landscaped in trees, shrubs, and grass. No structures of parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified in Article VII, Section 7.1.11 (7), and except for

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required entrance drives and those walls and/or fences use to obscure the use from abutting residential districts.

4.) Site Coverage: No more than thirty percent (30%) of the gross site area shall be covered by buildings, including the accessory buildings.

5.) Maximum Building Height: No building shall be erected to a height greater than that permitted in the R-M1 District.

6.) Appearance: All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.

7.) Signs as provided in Article VI, Section 6.2.3.

8.) Off-street parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas by an open structure wood fence or solid masonry wall at least four (4) feet in height. Shrubs or trees may be used in combination with said structural screens or walls.

SECTION 8.7 MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

8.7.1. All mobile homes and mobile home parks shall comply with the regulations contained in Ordinance 67 "Mobile Home Parks" of the City of Olivet, Michigan, as amended, and all other applicable provisions of this Ordinance.

8.7.2. TRAVEL TRAILER PARKS: Travel trailer parks for the accommodation only of travel trailers, self-propelled homes, or vehicles designed primarily for living or sleeping or used to carry units so designed with or without tents or tent trailers and operated on a seasonal basis between May 1 and December 1, may be allowed by special use permit in the A-1 Agricultural District.

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Said travel trailer park shall be subject to the requirements of the Michigan Department of Health.

1.) No travel trailer park shall be located except with direct access to a major thoroughfare, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.

2.) The minimum lot area per park shall be three (3) acres, with a maximum of twenty (20) acres.

3.) Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws and ordinances of the State of Michigan and Eaton County and shall be rented by the day or week only, and an occupant of such space shall remain in the same trailer park for a period of not more than thirty (30) days.

4.) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in any district in which trailer parks are allowed, PROVIDED that:

a.) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.

b.) Such establishments shall be restricted in their use to occupants of the park.

c.) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants to the park.

5.) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any freeway, expressway, or within twenty-five (25) feet of the right-of-way of any local street.

6.) In addition to meeting the above requirements, the travel trailer park site plan shall be subject to the review and approval of the Eaton County Health Department.

7.) Travel trailer parks shall be permitted in existing or proposed mobile home parks, subject to the provisions provided herein.

SECTION 8.8 GASONLINE SERVICE STATIONS

8.8.1. AUTHORIZATION: Facilities to serve motor vehicles are of considerable importance within urbanizing areas where the basic mode of transportation is by private automobile. The continued growth of motor vehicle registrations and of total miles traveled annually has stimulated additional needs for retailing gasoline and associated products. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set forth in this Section before a building permit may be issued for a gasoline service station as a permitted use within various commercial districts. Moreover, gasoline service stations may be permitted in the B-1 General Business District only upon the issuance of a special use permit which complies with the requirements of this Section and with the general standards set forth in Section 8.1.

8.8.2. OBJECTIVES: It is the intent of this Section to exercise a measure of control over service station buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this Section are to:

1.) Promote the type of development which will be compatible with other land use activities located in areas where service stations will be constructed.

2.) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.

3.) Minimize the traffic congestion and safety hazards which are inherent in service station activity.

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8.8.3. USES THAT MAY BE PERMITTED: Gasoline service stations as defined in Article VIII, Section 8.8, including the servicing of motor vehicles under two and one-half (2-1/2) tons rated capacity, such as minor adjustments to motor vehicles, sales and installation of automotive accessories, and other servicing of motor vehicles, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles is specifically prohibited.

8.8.4. SITE DEVELOPMENT REQUIREMENTS: The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

1.) Minimum Site Size: Fifteen thousand (15,000) square feet with a minimum width of one hundred thirty-two (132) feet.

2.) Site Location: The proposed site shall have at least one (1) property line on a major thoroughfare, PROVIDED that where gasoline service stations are proposed as part of a planned shopping center development as outlined in Article VIII, Section 8.10, the gasoline service station site, or sites, shall be located at the boundary of the center where it can be away from patterns of pedestrian circulation and have direct, unencumbered access to traffic arteries.

3.) Building Setback: The service station building, or buildings, shall be set back forty (40) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district unless separated therefrom by a street or alley.

a.) No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.

b.) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.

4.) Access Drives: No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare, nor more than one (1) driveway approach from any minor street, each which shall not exceed thirty-five (35) feet in width at the property line.

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a.) If the service station site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than fifty (50) feet.

b.) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line, as extended to the curb or pavement, or within twenty (20) feet of any exterior (corner) lot lines as extended.

c.) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.

5.) Curbing and Paving: A raised curb of at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.

6.) Fencing: A solid fence or wall four (4) feet in height shall be erected along the property lines abutting any lot within a residential district.

7.) Signs: As provided in Article VI, Section 6.2.3, PROVIDED that no signs whether permanent or temporary, shall be permitted within the public right-of-way.

8.) Off-street parking shall be provided in conformance with the schedule outlined in Article VII, Section 7.1.

9.) Lighting: Exterior lighting shall be arranged so that the source illumination is deflected away from adjacent properties and is so situated as to not pose a problem for traffic.

SECTION 8.9 CUSTOMARY HOME OCCUPATIONS

8.9.1. AUTHORIZATION: It is the intent of this Section to provide the City Council and Planning Commission with a framework of regulatory standards to be utilized as a basis for approving or disapproving special uses which may be permitted by issuance of a special use permit. Customary home occupations may be permitted in any Residential or Agricultural District upon issuance of a special use permit.

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8.9.2. USES THAT MAY BE PERMITTED: Customary home occupations may be carried on in residential structures under the following conditions:

1.) Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate, and insurance sales when carried on by the occupant within the principal building, PROVIDED that no more than one-half (1/2) of the floor area of one (1) story of the dwelling is devoted to such use; that no outdoor activities are carried on in connection with such use; and that no employees, other than the occupant of the dwelling, are engaged in such activities.

2.) Professional office for occupancy by not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar recognized professional practitioner with no employee, PROVIDED that no more than one-half (1/2) of the floor area of any one (1) story of the dwelling is devoted to such use; that all activities shall be carried on indoors; and that no structural provisions shall be inherent in the design of the structure and no structural changes shall be made for the accommodations of any professional office.

3.) There shall be no external evidence of such occupations or uses except a small announcement or identification sign in accordance with Article VI, Section 6.2.3.

4.) Such occupations or uses are intended to provide flexibility in the application of this Ordinance, but such permission shall not be granted if the essential character of a lot or structure within a Residential District, in terms of use and appearance, will be changed in the slightest degree by the occurrence of such occupations or activities.

SECTION 8.10 PLANNED SHOPPING CENTERS

8.10.1. AUTHORIZATION: In order to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the City planned shopping centers may be allowed by special use permit in B-1 General Business Districts. The unique and changing characteristics of this type of business activity calls for standards and procedures which cannot be

adequately covered by any one of the customary business district classifications. This use may be authorized by the issuance of a special use permit when all the procedures and applicable requirements stated in Section 8.1 and additional requirements of this Section can be complied with.

8.10.2. SITE DEVELOPMENT REQUIREMENTS: The owner or owners of a tract of land which comprises five (5) acres or more may submit to the Planning Commission a request for a special use permit. The site requested shall be located upon a major thoroughfare to permit adequate ingress and egress. Such request shall also be accompanied by the following evidence and supporting data, without which an application shall not be accepted by the Planning Commission.

1.) A market analysis by a recognized, reputable market analyst, setting forth conclusively economic justifications and need for the establishment of a center of type and size proposed by the applicant. This analysis shall be based upon, but not limited to such factors as the trade area of the community and travel time from various parts thereof to the proposed center site; general development trends and anticipated population changes; economic trends and disposable income characteristics; expected sales volumes of the center as indicated by the demand for certain types of retail merchandise; existing or anticipated competing commercial facilities; and other data and analyses which relate to the need for and feasible success and stability of the proposed center.

The purpose of this requirement is to protect the City from the over-development of retail sales and service establishments from which could prove highly injurious to the community welfare.

2.) A site plan defining the areas to be developed for buildings; the areas to be devoted to parking; the location of pedestrian and vehicular circulation and the points of ingress and egress; and the locations of walls, landscaped areas, terraces and other open spaces; the provisions of spaces for loading, unloading and servicing; the location, size, and number of signs; and the treatment proposed for required transition strip areas to protect abutting land uses and zoning districts.

3.) A traffic survey prepared by qualified experts indicating the effect of the proposed shopping center on adjacent streets and also indicating the

anticipated points of origin, direction and amount of traffic flow to and from the proposed center.

4.) A list of proposed uses to be included in the proposed center, with the area of each to be devoted to retail space.

5.) A statement of financial responsibility to assure construction of the planned shopping center in accordance with the site plan and the requirements of this Section.

SECTION 8.11 MISCELLANEOUS SPECIAL USES

8.11.1. AUTHORIZATION: Because of the particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the City as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this Section to provide a framework of regulatory standards which can be utilized by the Planning Commission and City Council as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.

8.11.2. SPECIAL USES THAT MAY BE PERMITTED: The following land and structure uses may be permitted within the particular zone districts cited, PROVIDED that requirements specified in Section 8.1 and the applicable specified conditions established herein can be complied with:

1.) Public or private dumps, incinerators and sanitary fills within any agricultural or industrial zone district.

2.) Junk yards within any industrial or agricultural zone district.

3.) Sewage treatment and disposal installations within any industrial or agricultural zone district.

4.) Drive-in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges and miniature golf courses within B-1 General Business Districts or any agricultural or industrial zone district.

5.) Special open space uses, such as public beaches, bath houses, private resorts, recreational camps, and other open space uses operated for profit within any agricultural zone district.

6.) Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients, and camps or correctional institutions within any agricultural zone district.

7.) Sand or gravel pits, quarries, within any agricultural zone district.

8.) Raising and keeping of animals within any agricultural district.

9.) Conversion of one-family dwellings within any residential district.

10.) Advertising structures within any agricultural district.

8.11.3. SITE DEVELOPMENT REQUIREMENTS: A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements.

Without limiting the powers of the City Council in any other Section of this Ordinance, the City Council shall have the authority to revoke any special use permit when, after reasonable warning, the operators of any use permitted under this Section fail to comply with any of the requirements stipulated. In addition, the Planning Commission, as part of its approval of a particular special use permit, may recommend to the City Council any additional conditions and safeguards that are deemed necessary for the protection of the public welfare.

1.) Incinerators and Sanitary Fills:

a.) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of the Subsection are less than those in applicable state statutes, the state requirements shall prevail.

b.) All active uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (5) feet to the top or bottom of any slope.

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c.) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form.

d.) The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards, and to prevent encroachment of traffic or the by-products of traffic (such as dust and noise), upon adjacent properties.

e.) All permitted installations shall be maintained in a neat, orderly condition as to prevent injury to any single property, any individual, or to the City in general.

2.) Junk Yards:

a.) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this Subsection are less than those in applicable state statutes, the state requirements shall prevail.

b.) The site shall be a minimum of one (1) acre in size.

c.) A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

d.) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.

e.) All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. The spacing and type of plant materials will be determined by the City Council after receiving a recommendation from the Planning Commission.

f.) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

g.) Whenever the installation abuts upon property within a residential district, a transition strip of at least two hundred (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 to effectively minimize the appearance of the installation and to help confine odors therein.

3.) Sewage Treatment and Disposal Installations:

a.) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this Subsection are less than those in applicable state statutes, the state requirements shall prevail.

b.) Any use shall comply with all regulations for M-1 Industrial Districts, Article V, Section 5.7.

c.) All operations shall be completely enclosed by a wirelink fence not less than six (6) feet high.

d.) All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200) feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

4.) Drive-in Theaters, Race Tracks, Temporary and Transient Amusement Enterprises, Golf Driving Ranges and Miniature Golf Courses:

a.) All sites shall be located on a major thoroughfare. All traffic ingress or egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.

b.) All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) street(s) or highway(s). Miniature golf or driving ranges shall have one hundred (100) foot requirement.

c.) All vehicles shall have a clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.

d.) Acceleration and deceleration lanes should be provided, where possible, at points of ingress and egress to the site. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.

e.) Whenever any use that may be permitted in this Subsection abuts property within a residential, business or agricultural district, a

transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip. Golf driving ranges and miniature courses shall have a minimum transition strip of fifty (50) feet when adjacent to a residential, agricultural or business district.

f.) A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

g.) Golf driving ranges shall provide such safety screening as deemed reasonable and necessary by the Planning Commission to protect the safety and welfare of adjacent areas.

h.) Race tracks and drive-in theaters shall be enclosed for their full periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly, attractively and inconspicuously.

i.) Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) tickets gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty percent (30%) of the vehicular capacity of the theater.

j.) Drive-in theater picture screens shall not be permitted to face any public stret and shall be so located as to be out of the view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in height.

k.) For drive-in theaters, no more than two (2) advertising signs not exceeding in aggregate more than five hundred (500) square feet shall be permitted. Said signs shall only advertise the said business and shall be so located as not to obstruct traffic or vision upon any public street. In no event is any one (1) sign to exceed two hundred fifty (250) square feet.

5.) Special Open Space Uses:

a.) The proposed site shall be at least two (2) acres in area.

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b.) The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from said thoroughfare.

c.) All buildings and structures shall be set back at least two hundred (200) feet from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot setback shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.

d.) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.

6.) Institutions for the Mentally Retarded and Physically Handicapped, Drug or Alcoholic Patients, and Camps or Correctional Institutions:

a.) The proposed site shall be at least forty (40) acres in area.

b.) The proposed site shall have at least one (1) property line abutting a major thoroughfare. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare.

c.) All two (2) story structures shall be at least one hundred (100) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50) feet to any property or street line. For buildings above two (2) stories, the buildings shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

d.) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.

e.) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

f.) All signs shall be in accordance with the schedule outlined in Article VI, Section 6.2.3.

g.) Off-street parking space shall be provided in accordance with the schedule outlined in Article VII, Section 7.1, and off-street loading in conformance with Article VII, Section 7.2.

7.) Sand or Gravel Pits, Quarries: The excavation of peat, muck, sand, gravel, clay, shale, or other natural mineral deposits including the quarrying of rock minerals, but except crude oil, may be authorized only in agricultural districts by the Planning Commission by the issuance of a

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special permit upon completion of procedures and with the imposition of the conditions and safeguards outlined below:

a.) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this Subsection are less than those in applicable state statutes, the state requirements shall prevail.

b.) Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or for any other use than on the premises on which the top soil as originally located, except when as a product of an authorized excavation of other soils as provided in this Section. This provision shall not be construed, however, to prohibit sod farm operations.

c.) In addition to the plan required in Section 8.1., the applicant shall submit plans and proposals for the reuse of the property after completion of excavation. At a minimum, such plans are to provide rehabilitation of the excavated area so that the proposed site, when rehabilitated, shall be in a condition of being lacking in hazards and be inconspicuous and blend into the natural ground form of the area. Such plans shall include a contour plan.

d.) The applicant shall file with the City Council a performance bond in such amounts the City Council shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth in Section 8.1 in this Subsection.

e.) No fixed machinery shall be erected or maintained within fifty (50) feet of any property or street line.

f.) All uses shall be enclosed by a fence, adequate to prevent trespass, four (4) feet or more in height, for the entire periphery of the excavation area. The top of the slope of the excavation shall not be closer than fifty (50) feet from the property line.

g.) No slope shall exceed an angle with the horizontal of forty-five (45) degrees.

h.) All slopes and banks shall be reasonably graded and treated to prevent erosion of any other potential deterioration.

i.) No building shall be erected on the premises, except as may be permitted elsewhere in this Ordinance, or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

j.) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community.

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That portion of access roads within the area of operation shall be provided with a dustless surface.

k.) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the City in general.

l.) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling of excavated materials on the site.

m.) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable top soil, or a quality approved by the City Council, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

n.) All areas within any single development shall be rehabilitated as they are worked out or abandoned so that they shall comply with the rehabilitation plan as approved by the issuance of the Special Use Permit provided in (b) of this Subsection.

o.) Any extension of quarrying operations beyond the property lines actually quarried at the effective date of this Ordinance shall be considered as a new operation and shall require a Special Use Permit.

p.) All existing pits at the effective date of this Ordinance shall be inspected by the Zoning Administrator to determine the nature and extent of nonconformity. Said uses found to be nonconforming shall be so recorded and newly-excavated areas shall conform to the provisions of this Ordinance and rehabilitation of the presently operated nonconforming pit shall be made conforming as required through the issuance of a Special Use Permit within one (1) year of issuance of a Special Use Permit.

8.) Raising and Keeping of Animals: The raising and keeping of small animals such as poultry and rabbits and the raising and keeping of livestock such as cattle, hogs, horses, goats, and ponies may be conducted on a lot of not less than ten (10) acres in any agricultural district, PROVIDED that all such raising and keeping or killing and dressing of poultry and animals processed upon the premises, shall be for the use or consumption by the occupants of the premises, and PROVIDED FURTHER

that said animal be listed by number and kind on the special use permit and that reasonable efforts be undertaken by the animal's keepers to reduce odor, sounds and movement of the animals to undisturbing levels at the lot boundaries which might negatively impact adjacent properties and uses. Limits on the number and type of animals and the areas on the lot designated for animal activity may be established by the City Council to protect the character of the predominant uses in the area and the use and enjoyment of adjacent properties by neighboring residents.

9.) Conversion of One-Family Dwellings: The conversion of one-family dwellings to two and three-family dwellings shall be permitted when all of the following conditions can be met:

a.) It can be demonstrated that larger houses in older residential areas of the City have been or can be converted from one-family to two or three-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

b.) That such and expanded capacity is a clear necessity to satisfy this particular housing demand.

c.) That adequate off-street parking space can be provided in accordance with standards stated in Article VII, Section 7.1.

d.) That undue traffic congestion will not result.

e.) That the imposition on existing sanitary facilities will not be excessive.

f.) That such use will not unduly injure the character or value of the existing neighborhood.

g.) That the floor area per dwelling unit is not less than the following minimums: three hundred fifty (350) square feet for one room; five hundred fifty (550) square feet for two rooms; seven hundred fifty (750) square feet for three rooms, and average of two hundred (200) square feet for each room in excess of three rooms.

10.) Advertising Structures, Billboards or Signboards:

a.) Advertising structures, outdoor signs and other advertising displays, PROVIDED no billboards, advertising signboards, or advertising structures shall be erected or maintained that are more than two hundred fifty (250) square feet in area. All such signs shall be four (4) feet or more clear above the ground. If not attached to the wall of a building for their entire length, signs must be lighted, for safety purposes, on all sides during all hours of darkness. The illumination of such signs for purposes other

than for public safety shall be subject to the approval by the Zoning Administrator to ensure that the light intensity, color and movement will not likely be so distracting to motor vehicle operators as to constitute a traffic safety hazard. Signs must be at least forty (40) feet from a lot or public right-of-way line. Along interstate highways and State Trunk lines, said setback shall be a minimum of fifty (50) feet from the said highway right-of-way line. These signs shall not be restricted to providing advertisement relative to the principal premises use.

SECTION 8.12 COLLEGES AND UNIVERSITIES

8.12.1. AUTHORIZATION: In recognition of the many and varied types of uses associated with colleges and/or universities that have been found compatible and reasonably harmonious with residential uses, the Planning Commission and the City Council may authorize the construction, maintenance and operation in residential, general business, or agricultural districts, any use associated with colleges and/or universities by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated in Section 8.1 and 8.2 together with the additional requirements of the Section can be complied with.

8.12.2. PERMIT PROCEDURES: Upon submission of an application, the Planning Commission will assure that the application is in accordance with all specifications in Section 5.1 of the General Provisions.

The application shall contain additional information so as to justify the proposed application as a necessary use for the efficient operation of the college and/or university.

8.12.3. BASIS FOR DETERMINATION: The Planning Commission shall decide on the application using the following criteria:

- 1.) That the application has fulfilled all of the requirements of this Section.
- 2.) That the proposed application is necessary for the efficient operation of the college and/or university.

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3.) That the proposed use will be so located as not to impair the character of the surrounding area or its future as a neighborhood of (single family, two-family, etc.) kinds of residences.

In addition, the Planning Commission may impose appropriate conditions to minimize the adverse effects of the use on the surrounding area.

Existing Buildings and Uses in operation or under construction at the time this ordinance is adopted will not be considered a non-conforming use and are not subject to a Special Use Permit.