

VILLAGE OF CLARKSVILLE
Clarksville Planning Commission

AGENDA

April 21, 2011

Call to Order

Roll Call: Planning Commission Members
Lu Baxter
Jordan Burnie, *ex officio* member, Village President
Joyce Callihan, Secretary
Robert Blocher, Vice Chair
Kerry McMillen, Chairperson
Tim Johnson, Professional Planner

Public Comment on Non-Agenda Items

Reading and Approval of Minutes 3/17/11

Adoption of Agenda

Public Hearing – None Scheduled

Unfinished Business

1. Fence Ordinance - Walking Tour (weather pending)
2. Zoning Ordinance Amendment – Article 3 Administration & Enforcement
3. Site Plan needed for Farm Museum
4. Recycling Program
5. Downtown Mural
6. Street Lighting

New Business

1. Site Plan Review Amendments
2. Special Use Permit Amendments

Reports

Ex Officio Member – Jordan Burnie
Development Official – Frank Reser
Chairperson – Kerry McMillen

Commissioner Comments

Adjourn

Next regular Planning commission Meeting – April 21, 2010

FENCE ORDINANCE EXAMPLES

*For Consideration by the Clarksville Planning Commission
March 17, 2011*

City of Greenville

- A. Fences in Residential Districts shall not exceed six (6) feet in height in rear and side yards.
- B. Fences within front yards of all zoning districts shall not exceed three (3) feet in height if solid and shall not exceed four (4) feet in height if of an open type. Open type fencing shall include chain link fences, split rail fencing and other fencing types that are not more than forty percent (40%) solid.
- C. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.
- D. Fences in the C-2, and IND Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height of fences in the C-2, and IND Districts shall not exceed eight (8) feet, including the barbed portion.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in a clear vision area, as described in Section 3.05.
- G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. Fences shall be erected with the finished side facing adjacent properties and streets. Support poles shall be placed so that they face the inside of the owner's lot.

City of Hastings

DIVISION 4. FENCES, WALLS AND SCREENS

Sec. 90-856. Applicability.

This division shall apply to fences, walls or landscape screens in all zoning districts.

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Sec. 90-857. Permit required.

Before a fence or wall is erected, constructed or installed, a permit shall be obtained from the zoning administrator. An application for a fence permit must include a drawing showing the location type, height and materials of the fence or wall to be constructed and other information the zoning administrator requests to determine that the proposed fence or wall will comply with the provisions of this section. (Ord. No. 301, § 3(3.43(1)), 2-10-97)

Sec. 90-858. Existing fences. Any fence or wall presently in existence shall not be enlarged, altered or reconstructed until a permit is obtained in the manner provided for in section 90-857.

Sec. 90-859. Location requirements.

(a) *Front yard.*

(1) A fence, decorative or protective wall or landscape screen may be located within a front yard but shall not exceed a height of three feet, except in the B-1 (central business district). A fence, decorative or protective wall or landscape screen with a height not exceeding six feet may be located in any front yard in the B-1 (central business district).

(2) For a corner lot which has more than one front yard, a fence, decorative or protective wall which is no more than six feet high may be placed within the secondary street front yard provided such fence, decorative or protective wall is set back the minimum distance required for corner lots for that zoning district. The zoning administrator shall determine which is the secondary street. Such fences, decorative or protective walls shall be subject to the clear vision requirements.

(3) All fences, decorative or protective walls, or landscape screens must be set back a minimum of one foot from the front lot line or two feet from a sidewalk, except in the B-1 (central business district).

(b) *Side and rear yards.* A maximum height of six feet is permitted except in industrial zones, where the maximum height shall be ten feet.

(c) *Visibility.* A fence, decorative or protective wall or landscape screen shall comply with the requirements of section 90-802.

Sec. 90-860. Materials and maintenance.

(a) Any fence, decorative or protective wall, or landscape screen shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district in which it is located. Woven wire or chain link fences with plastic, metal, or wood slats or inserts, shall not be permitted.

(b) In the B-1 (central business district) fences made of barbed wire, woven wire, chain link, any other non decorative metal or naturally degradable material, and wood are prohibited. Decorative or protective walls shall be constructed of brick or other decorative masonry, wrought iron, or other similar visually attractive low maintenance material.

(c) All fences, decorative or protective walls and landscape screens shall be constructed and maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public. All fences, decorative or protective walls in the B1 (central business district) shall be architecturally compatible with the building on the property in which it is located, and surrounding buildings.

(Ord. No. 301, § 3(3.43(4)), 2-10-97; Ord. No. 398, § 2, 7-25-05)

Sec. 90-861. Additional requirements and provisions.

(a) All fences, and decorative or protective walls shall be erected so that the finished face of the fence, decorative or protective wall faces outside the property.

(b) Fences parallel to one another shall be prohibited unless special provision is made to specifically provide the proper maintenance of both fences, including but not limited to adequate distances between fences and construction design details.

(c) Gates in fences, or decorative or protective walls shall not open over public property, into alleys, or over adjoining properties.

(d) A fence shall not be constructed or maintained that is charged or connected with an electrical current.

(e) Barbed wire fences are prohibited in all zoning districts, except in the industrial district the use of barbed wire strands is permitted provided the strands are at least eight feet above the bottom of the fence.

(f) Essential services structures and buildings such as electrical substations may be protected by a fence up to ten feet in height with barbed wire strands located at least eight feet above the bottom of the fence.

(g) Fences higher than permitted by the zoning district may be permitted by the planning commission if it is demonstrated that such fences is necessary for public safety or proper screening, or is necessary for the proper operation of the principal use.

(h) All vertical support members for a fence shall not exceed the maximum permitted fence height by more than four inches.

(i) A fence, decorative or protective wall or landscape screen shall not be constructed within or over any public right-of-way.

(j) In the B-1 (central business district) when a fence, decorative or protective wall or landscape screen abuts or is immediately adjacent to a sidewalk, alley, street right-of-way, or building, that portion of the fence, decorative or protective wall or landscape screen, which is more than three feet above the sidewalk, shall be at least 75 percent open.

(Ord. No. 301, § 3(3.43(5)), 2-10-97; Ord. No. 398, § 3, 7-25-05)

Lowell Township

4.31 FENCES & WALLS (7 Jul, 2010)

Applicability – The requirements of this Section shall apply to fences and walls in all zoning districts except that fences which are erected on a temporary basis such as for a construction site or fences which are erected as part of a mineral mining operation are not subject to this Section 4.31.

Definitions-

- (1) Fence – a man made structure serving as an enclosure, a visual screen a barrier or a boundary. For purposes of this Section 4.31 a freestanding wall having both sides exposed shall be considered a fence.
- (2) Substantially open fence- a fence which is at least 40 percent open when viewed perpendicular to the fence.

Yard & Height Requirements by Zone

- (1) AG-1, AG-2 and R-1 Zones
 - (i) *Front yard:* Maximum height of three feet for a solid fence; Maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
 - (ii) *Side and rear yards:* Maximum height of six feet.
 - (iii) The use of barbed wire strands and electrically charged fences above grade is permitted in all yards.
- (2) R2, R3, MH and OS-PUD Zones:

- (i) *Front yard:* Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
 - (ii) *Side and rear yard:* Maximum height of six feet
- (3) Commercial Zone:
 - (i) *Front yard:* Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
 - (ii) *Side and rear yard:* Maximum height of eight feet. The use of barbed wire strands is permitted provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
- (4) Industrial Zone:
 - (i) *Front yard:* Maximum height of three feet for a solid fence; Maximum height of six feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
 - (ii) *Side and rear yard:* Maximum height of eight feet.
 - (iii) The use of barbed wire strands is permitted in all yards provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
- (5) Corner lot: For corner lots the front yard requirements for fences shall apply to each front yard except that in the R-2 and R-3 zoning districts, a solid fence with a maximum height of six feet may be placed within that front yard which is along the side of the dwelling, provided such fence is a least 10 feet from that front lot line which is parallel to the side of the dwelling. (See Figure 4-4)
- (6) Measurement of Fence Height: The height of a fence shall be measured as the vertical distance from the highest point of the fence material, excluding any support posts or structures, to the finished grade of the ground immediately beneath the fence material.
- (7) Fence Height Exceptions:
 - (i) Fences which exceed the maximum height otherwise permitted by the zoning district may be allowed by the Planning Commission as part of the Commission's review of a site plan or special land use if it is demonstrated that such fence is necessary for public safety, proper screening, or is necessary for the proper operation of the principal use such as utility sub-stations, tennis courts, golf courses, athletic fields or parks.
 - (ii) The Planning Commission may also approve fence height exceptions which are not part of a site plan or special land use but which may be needed for farm protection purposes in the AG-1 and AG-2 Zoning Districts. In allowing a greater height the

Commission must take into consideration the compatibility of fence with the visual character of the area and the impact on nearby residents and land uses.

- (iii) In all zoning districts for those portions of fences which are extended across uneven, low or depressed areas relative to abutting grades including but not limited to swales, sloping ground, streams, drains or ditches, the fence material may extend to the bottom of the depressed area or the water in order to achieve the purpose of the fence. The fence shall be constructed and maintained so it does not to impede the flow of water.

The top of the fence material which extends over the low or depressed area however shall not be higher than the top of the fence material on abutting grades.
(See Figure 4-6)

**AN ORDINANCE TO AMEND ARTICLE 3
ADMINISTRATION AND ENFORCEMENT**

**VILLAGE OF CLARKSVILLE
ORDINANCE NO. _____**

**DRAFT # 2
April 21, 2011**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF CLARKSVILLE
BY AMENDING SECTIONS 3.1, 3.2, 3.3, 3.5, 3.6, 3.7, 3.8 and 4.3.**

THE VILLAGE OF CLARKSVILLE ORDAINS:

SECTION 1 The Zoning Ordinance of the Village of Clarksville is hereby amended to **AMEND** the following Sections: 3.1, 3.2, 3.3, 3.5, 3.6, 3.7 & 3.8 to read as follows:

**NEW LANGUAGE FROM Draft 1 in BOLD & UNDERLINED
DELETIONS SHOWN WITH ~~STRIKE THROUGH LINE~~**

Section 3.1 ADMINISTRATION

The provisions of this Ordinance shall be administered by the **Zoning Administrator** in accordance with **Act 110 of the Michigan Public Acts of 2006, the Zoning Enabling Act.**

The Village Council shall employ or contract a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms and conditions of employment shall be established by the Village Council. The **Zoning Administrator** or his/her agent shall have the power of a police officer, whose jurisdiction is the enforcement of this Ordinance. Acting in this capacity, the **Zoning Administrator** shall, among other responsibilities, be empowered to issue appearance summons; seek the issuance of warrants for the arrest of alleged violators through the office of the County Prosecutor; bring criminal action in the name of the Village against violators of the provisions of this Ordinance.

Section 3.2 RELIEF FROM PERSONAL RESPONSIBILITY

The **Zoning Administrator**, while acting for the Village, shall not thereby render him **or her** self liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of ~~his~~ **their** official duties. Any suit instituted against any officer or employee because of an act performed by him/her in the lawful discharge of his/her duties and under the provisions of the Ordinance shall be defended by the legal representative of the County until the final termination of the proceedings. In no case shall the **Zoning Administrator** or any of his/her subordinates be liable for costs in any action, suit or

proceeding that may be instituted in pursuance of the provisions of the Ordinance; and any Officer acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties in connection herewith.

Section 3.3 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the **Zoning Administrator** to **administer, interpret and** enforce the provisions of this Ordinance and in so doing shall perform the following duties:

3.3.1 Issue Zoning Permits: The Zoning Administrator shall issue zoning permits in compliance with the provisions of this Ordinance.

3.3.2 Inspections: The **Zoning Administrator** or their authorized agent shall make inspections of buildings or premises **as may be permitted by the property owner or occupant** in order to properly carry out the enforcement of this Ordinance.

3.3.3 Record of Complaints: The Zoning Administrator shall keep **on file in the Village Offices** a record of complaints of violations of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. Such records shall be public record.

3.3.4 Report to Village Council: The Zoning Administrator shall report to the Village Council periodically at intervals of not greater than one year, summarizing for the period since the last previous report of all building permits **issued**, all complaints **received of zoning** violations, and all appeals, variances and exceptions granted by the Zoning Board of Appeals and **the** action taken.

3.3.4 Municipal Civil Infractions: The Zoning Administrator is authorized to issue Municipal Civil Infractions in accordance with Ordinance 44, the Village of Clarksville Civil Infraction Ordinance.

Section 3.4 DUTIES OF THE PLANNING COMMISSION ~~(No change)~~

~~3.4.1 Adopt rules and guidelines for the proper administration and enforcement of the Ordinance.~~

~~3.4.2 Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines.~~

~~3.4.3 Conduct Public Hearings.~~

~~3.4.4 Make comprehensive review and recommend changes to the Zoning Ordinance every five (5) years.~~

~~3.4.5 Review all proposed requests for special use permits and/or amendments to the Zoning Ordinance for compliance with requirements of the Ordinance based on Articles 7 and 9 and thence recommend appropriate action to the Village Council for approval, disapproval or modification.~~

Section 3.4 ZONING PERMIT. A zoning permit is required for the following:

3.4.1 Excavation for or construction of a building including additions to or enlargements of existing buildings; a change in the use of a property; the moving of a building from one property to another; enlargement of an off street parking area; a use authorized by the Planning Commission as a Special Use or by site plan approval. A zoning permit shall also be required for the following: a deck if it is over 30 inches above grade; a deck attached to a building; any building constructed on footings and; any building which is 200 sq. ft. or larger.

3.4.2 Application for Zoning Permit: The following information shall be provided to the Zoning Administrator with each application for a zoning permit:

- A. All applications for a zoning permit shall be made **on a form supplied by the Village and shall at a minimum include the name and address of the applicant** and an accurate **drawing** showing the following:
1. The area, dimensions, and legal description of the parcel, location of easements and centerline of road.
 2. The dimensions and height of the existing and/or proposed building to be erected, altered or moved on the parcel.
 3. The existing or intended uses **of the building.**
 4. **The distance of the existing or proposed building to all lot lines.**
 5. **An accurate set of building plans illustrating the square footage of the dwelling unit.**
 6. **Signature of the applicant and property owner.**

3.4.3 Building Permit. Any applicant for a building permit as may be required by Ionia County must first be issued a zoning permit by the Clarksville Zoning Administrator. Upon issuance of a zoning permit one copy shall be issued to the applicant and one copy retained by the Village.

3.4.4 Fee A fee for the issuance of a zoning permit as may be established by the Village Council shall accompany the application. Such fee shall be ~~collected by~~ paid at the Village Offices. ~~Clerk~~

Section 3.5 ADMINISTRATIVE PROVISIONS

3.5.1 Suspension of Permit: A **zoning** permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six ~~(6)~~ months after the time of commencing the work, unless in the case of building permits **Ionia County authorizes the extension of the permit.**

3.5.2 Previous Approvals: Nothing in the ordinance shall require changes in the plans, construction or designated use of a building for which a lawful building, electrical, or mechanical permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been actively prosecuted within ninety (90) days after the effective date of this Ordinance; and the entire building or installation shall be completed as authorized within two (2) years after the date of approval of the application.

3.5.3 Revocation of Permits: The Zoning Administrator -may revoke a **zoning** permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

3.5.4 Inspection: The Zoning Administrator shall conduct an inspection of the property in order to **insure proper placement of the building and other matters pertaining to compliance with the Clarksville Zoning Ordinance.**

SECTION 3.6 VIOLATIONS, & PENALTIES

3.6.1. Municipal Civil Infraction. A violation of this ordinance is a municipal civil infraction and shall be subject to the provisions of the Ordinance 44 being the Village of Clarksville Civil Infraction Ordinance.

3.6.1. Penalties.

A. Unless otherwise specifically provided for, the civil fine for a particular Municipal Civil Infraction violation shall be not less than One Hundred (\$100.00) Dollars, plus costs and other sanctions, for each infraction.

B. Increased civil fines may be imposed for repeated violations by a person of any ordinance provision. As used in this Section, "repeat offense" means a second (or any subsequent) Municipal Civil Infraction violation of the same requirement or provision (i) committed by a person within any twelve-month period, unless some other period is specifically provided by Ordinance and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by Ordinance for a particular Municipal Civil Infraction violation, the increased fine for a repeat offense shall be as follows:

1. The fine for any offense which is a first repeat offense shall be no less than Two Hundred Fifty (\$250.00) Dollars, plus costs.

2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than Five Hundred (\$500.00) Dollars, plus costs.

3. A "violation" includes any act which is prohibited by any Ordinance or any omission or failure to act where the act is required by any Ordinance.

4. Each day on which any violation of any Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

5. In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any

violation of the Ordinance. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

SECTION 2 The Zoning Ordinance of the Village of Clarksville is hereby amended to **DELETE** the following definitions from Section 4.3:

Building Official: The officer or other designated authority charged with the administration and enforcement of the Village Building Code, or his or her duly authorized representative.

Development Permit: A permit issued to a person, proposing a development which is regulated by this Ordinance, which indicates compliance with the Ordinance and thereby granting permission to proceed

Occupancy Certificate: A written document received from the Development or Building Official stating that the Village/County Building Code, as amended and this ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for by its previously designated purpose.

Comprehensive Plan: An official document that serves as a guide to the long-range development of the County.

Comprehensive Development Plan: The statement of policy by the Planning Commission and Village Council relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The Plan consists of a series of maps, charts, and written material representing in summary from the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions. It is a blueprint for decision making for the future development and framework of the community.

SECTION 3 The Zoning Ordinance of the Village of Clarksville is hereby amended to **AMEND** the following definitions in Section 4.3 to read as follows:

Building Code: The Michigan Building Code.

Inoperable Motor Vehicle or Inoperable Vehicle: Any vehicle or motor vehicle which is incapable of being propelled under its own power and cannot or legally or physically operated on public streets or highways by virtue of lacking the equipment required by the laws of the State of Michigan or which does not bear valid and current license plates.

SECTION 4 The Zoning Ordinance of the Village of Clarksville is hereby amended to **ADD** the following definitions to Section 4.3 to read as follows:

Master Plan: The most recent Master Plan for the Village of Clarksville as adopted by the Clarksville Village Council.

Motor Vehicle: A vehicle which is self-propelled.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

Zoning Administrator: The person authorized by the Clarksville Village Council to administer the Clarksville Zoning Ordinance.

Zoning Permit: A permit issued to a person, proposing a development which is regulated by this Ordinance, which indicates compliance with the Ordinance and thereby granting permission to proceed.

SECTION 5 The Zoning Ordinance of the Village of Clarksville is hereby amended to change the term or words Development Official or Building Official to the term Zoning Administrator wherever this term or word shall appear in the Zoning Ordinance.

SECTION 6 The Zoning Ordinance of the Village of Clarksville is hereby amended to change the term or words Development Permit to the term Zoning Permit wherever this term or word shall appear in the Zoning Ordinance.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as provided by Village Charter.

Moved by _____ and supported by _____, that the above ordinance be adopted as read.

YEAS: _____.

NAYS: _____.

We hereby certify that the Village of Clarksville Council adopted the foregoing at a public session held on _____, 2011. VILLAGE OF CLARKSVILLE

Jordan Burnie, Village President

Shari Clark, Village Clerk

CERTIFICATION

I, the undersigned Clerk of the Village of Clarksville, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Village of Clarksville Council held on _____, 2011, pursuant to notice, and notice of its adoption, including being published in its entirety in the Lakewood News, on _____, 2011. I further certify that the above Ordinance was entered into the Ordinance Book of the Village on _____, 2011 and was effective immediately.

Dated: _____

Shari Clark, Village Clerk

**AN ORDINANCE TO AMEND ARTICLE 8
SITE PLAN REVIEW**

**VILLAGE OF CLARKSVILLE
ORDINANCE NO. ____
DRAFT # 1
April 21, 2011**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF CLARKSVILLE
BY AMENDING ARTICLE 8.**

THE VILLAGE OF CLARKSVILLE ORDAINS:

SECTION 1 The Zoning Ordinance of the Village of Clarksville is hereby amended to **AMEND** Article 8 to read as follows:

ARTICLE 8 SITE PLAN REVIEW

Section 8.1 Purpose And Intent

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Village; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Village Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance; and to achieve the purposes of the Village of Clarksville Master Plan.

Section 8.2 Site Plan Required - A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- A. Planning Commission review is required for the following:
1. Any new principal non residential use or a residential use containing three or more dwelling units. Site plan review under this section is not required for a single or two family dwelling.
 2. An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
 - 3 Special land uses and planned unit developments.
 4. Mobile home parks.
 5. All other uses requiring site plan approval as required by this Ordinance.

B. **Staff Review.** The following uses shall be reviewed by the Village Zoning Administrator, and may be reviewed by the Village Planner and Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements and all other applicable requirements of the Zoning Ordinance.

The Zoning Administrator may also refer the following uses, except for farm buildings, to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance. Review of site plans by staff shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

1. Expansion of an existing use or building which does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
2. Construction of a building or structure which is accessory to the principal use or building except for buildings accessory to a single or two family dwelling .

Section 8.3 Application Requirements - An application for site plan review along with eight sets of the site plan shall be submitted to the Village offices along with the fee as set by the Village Council in accordance with the submittal schedule established by the Planning Commission which is available in the Village offices.

In addition to the site plan prints the applicant shall also provide an electronic version of the site plan in a form acceptable to the Village.

The application shall at a minimum contain the following information:

1. The applicant's name, address and phone number.
2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
3. The name, address and phone number of the owner(s) of record if different from the applicant.
4. The address of the property.
5. Legal description of the property.
6. Current zoning.
7. Project description.
8. Size of the parcel in acres.
9. Signature of the applicant and owner of the property.

Section .8.4 Preliminary Site Plan Contents & Procedures.

A. If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.

B. Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.

C. Upon receipt of the preliminary site plan and application, the preliminary plan may be forwarded to the Village Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

D. The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.

1. Existing adjacent streets and proposed streets, public or private, as well as buildings and land uses within 100 feet of the site.
2. Parking lots and access points.
3. Proposed buffer strips or screening.
- d. Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, water courses, ponds, floodplains, hills, and similar natural features.
4. Existing and proposed buildings.
5. General topographical features including existing contour intervals not greater than ten feet.
6. Proposed method of providing public or private utilities including storm drainage.
7. Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.

The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

Section 8.5 Final Site Plan Contents & Procedures

A. If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval except for all PUD applications requiring approval by this Ordinance. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

B. Upon receipt of the site plan and application, a copy may be forwarded to the Village Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission.

C. **Site Plan Requirements.** The final site plan shall be drawn at a scale of not more than one inch equals 100 feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator.

1. The date on which the site plan was prepared.
2. The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.

3. A north arrow and legal description based upon the most current survey.
- d. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
4. Existing and proposed topographic elevations at a minimum of two feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
5. Direction of storm water drainage and how storm water runoff will be handled in accordance with the requirements of the Ionia County Stormwater Management Ordinance.
6. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
7. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site; and the location and design specifications of the proposed driveway.
8. Location and size of all existing and proposed water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins; location of septic tank and drain fields; and utility easements serving the site.
- 9j. Location and type of all required and proposed sidewalks, bike paths, and other walkways.
10. Location, type and size of any walls, fences or other screening devices.
11. Location of all proposed landscape materials, including size and type of plantings, in accordance with the requirements of Section _____ of this ordinance.
12. Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening.
13. Existing and proposed utility poles
14. Proposed signs in compliance with Section 4.4 of this Ordinance.
15. Proposed parking areas and access drives in accordance with Article 10 of this Ordinance showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
16. Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
17. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation which is to be retained on the site must be illustrated.
18. Location of existing and proposed slopes which are 20 percent or greater.
19. Zoning and land use on adjacent properties.
20. 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 this Ordinance or by state or federal agencies.
21. The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of a site.
22. Small-scale sketch of properties, streets and zoned uses of land within one-quarter mile of the site, sufficient to illustrate the existing character and development in the area of the site.

D. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on public safety, existing utilities, the environment and natural features

E. In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

F. Final Site Plan Approval Procedures

1. The Planning Commission shall review the site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve the site plan with conditions.

2. If approved, the applicant shall revise the site plan as required by the Planning Commission and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to insure that all revisions as required by the Planning Commission have been made. The Commission may require that the revised site plan be brought back to the Commission before approval is granted.

3. Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated and signed by the Planning Commission Chair or the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Village Clerk.

4. **Issuance of Zoning Permit.** The Zoning Administrator shall also issue a Zoning Permit to the applicant permit upon receipt of an approved final site plan which shall be presented to Ionia County to obtain a building permit.

Section 8.6 Standards For Approval

Prior to approving a site plan, the Planning Commission shall require that the following standards and requirements be satisfied. If these standards and all other requirements of applicable Village ordinances are met, the site plan shall be approved.

A. The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions; and provide for vehicle access between adjoining parcels where practicable.

B. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

C. The site plan shall provide reasonable visual and sound privacy for adjacent dwelling units and for dwelling units on the proposed site. Fences and landscaping should be used, as appropriate, to accomplish these purposes. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Village's landscape provisions.

D. All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access as requested by the Village Fire Department.

E. Public and private walkways shall be provided as necessary for safe pedestrian movement, and to enhance the pedestrian accessibility of the site. Sidewalks shall be installed in conjunction with the development of the site according to Village requirements along all public streets abutting commercial and other non residential land uses unless the Planning Commission determines the

sidewalks are not necessary or unless arrangements are approved by the Commission to install the sidewalks at a subsequent date.

F. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

G. Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

H. Exterior lighting shall be designed to avoid glare as seen from adjoining lands and to also avoid light shining onto adjacent properties. Exterior lights should be designed to shine light downward although the Planning Commission or Zoning Administrator as applicable may approve decorative light fixtures provided they do not produce a glare.

I. Outside storage areas including receptacles for the storage of trash, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height or placed so they are not substantially visible from residential districts or public thoroughfares. The finished side of any wall, fence or other similar storage screen shall face adjacent properties.

J. All streets and driveways shall be developed in accordance with the Village Subdivision Ordinance, the Ionia County Road Commission or Michigan Department of Transportation specifications as applicable or developed as a private road in accordance with the requirements for private roads of this Ordinance.

K. Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.

Section 8.7 Conditions of Approval

A. As part of an approval of any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 8.6 are met.

B. The Planning Commission or Zoning Administrator as applicable may condition approval of a site plan on conformance with the standards of another local, county, state, or federal agency. It may do so when such conditions:

1. Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service a facility loads caused by the land use or activity;
2. Will protect the natural environment and conserve natural resources and energy;
3. Will ensure compatibility with adjacent uses of land;

4. Will promote the use of land in a socially and economically desirable manner.

C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.

D. A record of conditions imposed shall be maintained by the Village Clerk. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

E. A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.

F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

Section 8.8 Validity of Approved Site Plans

Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.

Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

Section 8.9 Performance Guarantee

A. The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law.

B. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.

C. In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Village official. Furthermore, the Planning Commission may recommend to the Village Council the rebate or refund of a proportionate share of a cash bond or funds in escrow.

Section 8.10 Amendments to Approved Site Plan

A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.

B. A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings by no more than 10 feet.
3. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
5. Changes required or requested by the Village for safety reasons.
6. Changes which will preserve the natural features of the site without changing the basic site layout.
7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

C. The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

D. If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

Section 8.11 Expansion Of Existing Use, Structure, Or Building

It is recognized that land uses, buildings, and structures are existing which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity so that a site plan review is required per Section 8.2 herein, the following regulations shall apply:

A. The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:

1. Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Ionia County Stormwater Management Ordinance.

2. There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.
3. Existing driveways may result in hazardous vehicle movements.
4. Additional plantings are needed in order to comply with the intent of the Village of Clarksville landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
5. Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.
6. Safety for pedestrians can be improved and better emergency vehicle access can be provided.
7. Better lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.
8. Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
9. Sidewalks are needed to improve pedestrian safety.

B. In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:

1. Whether or not compliance would ensure safer on site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
2. The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.
3. Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as provided by Village Charter.

Moved by _____ and supported by _____, that the above ordinance be adopted as read.

YEAS: _____.

NAYS: _____.

We hereby certify that the Village of Clarksville Council adopted the foregoing at a public session held on _____, 2011. VILLAGE OF CLARKSVILLE

Jordan Burnie, Village President

Shari Clark, Village Clerk

CERTIFICATION

I, the undersigned Clerk of the Village of Clarksville, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Village of Clarksville Council held on _____, 2011, pursuant to notice, and notice of its adoption, including being published in its

entirety in the Lakewood News, on _____, 2011. I further certify that the above Ordinance was entered into the Ordinance Book of the Village on _____, 2011 and was effective immediately.

Dated:

Shari Clark, Village Clerk

<p style="text-align: center;">AN ORDINANCE TO AMEND ARTICLE 7 SPECIAL USE PERMITS</p>

**VILLAGE OF CLARKSVILLE
ORDINANCE NO. _____
DRAFT # 1
April 21, 2011**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF
CLARKSVILLE BY AMENDING ARTICLE 7.**

THE VILLAGE OF CLARKSVILLE ORDAINS:

SECTION 1 The Zoning Ordinance of the Village of Clarksville is hereby amended to **AMEND** Article 7 to read as follows:

ARTICLE 7 SPECIAL USE PERMIT

Section 7.1 Purpose of Special Land Uses

Uses allowed only by Special Land Use permit have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for Special Land Uses, and for placing conditions upon such permits. An applicant for a special use permit must additionally comply with all other applicable regulations of the Village Clarksville including a building permit.

Section 7.2 Special Use Permit Procedure

Application for a Special Land Use permit shall be submitted and processed under the following procedures:

- A. An application shall be submitted to the Village offices on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the Village Council.
- B. **Site Plan Requirement:** Site plan approval is required for a Special Land Use permit. Applications for a Special Land Use permit shall therefore also be accompanied by eight copies of a site plan which shall contain the information for final site plans required by Article 8 herein. The application materials shall then be forwarded to the Planning Commission.
- C. **Additional Information:** The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to the provision for public or private utilities, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, and the impact on public utilities.

- D. Public Hearing.** Prior to making a decision on a Special Land Use request, the Planning Commission shall hold a public hearing. Notification of the hearing shall be in accordance with Section 9.5 herein.

Section 7.2 General Standards

To approve a Special Land Use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for specific Special Land Uses:

- A. The Special Land Use shall be established, designed, and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof, and will be compatible with the character of the area in which the Special Land Use is proposed.
- B. The Special Land Use must not have a substantial adverse effect on water and sewer services, storm water drainage, road capacity, volume of traffic, traffic safety and circulation, and pedestrian safety and shall not result in lighting which is contrary to the purposes of the lighting regulations of this Zoning Ordinance.
- C. The Special Land Use must not have a substantial adverse effect on police and fire services and other public safety and emergency services.
- D. The Special Land Use must not have a substantial adverse effect on the need and demand for other public services.
- E. The Special Land Use must not have a substantial adverse effect on the natural environment of the site and nearby properties.
- F. The Special Land Use must be consistent with the intent and purposes of this ordinance and the Clarksville Master Plan.

Section 7.4 Decision

Following a public hearing, the Planning Commission shall either grant or deny a permit for such Special Land Use. The decision on a Special Land Use shall be incorporated in a written statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Clerk of the Clarksville.

Section 7.5 Existing Violations

A Special Land Use permit shall not be issued for a new use or a structure on property where any violation of this ordinance exists.

Section 7.6 Conditions of Approval

The Planning Commission may impose reasonable conditions on the approval of a Special Land Use. Conditions may include but are not limited to items related to drainage, soil erosion, pedestrian and vehicle movement, safe site design, fencing, screening, landscaping, loading, parking, lighting, signs, and

hours of operation. The Commission may also require that a Special Land Use be subject to an annual review by the Planning Commission. Said conditions shall meet the following requirements:

- A. Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- B. Be designed to insure that said use is compatible with adjacent land uses and activities.
- C. Be designed to protect natural resources, the health, safety, and welfare and 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.
- D. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- F. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- G. The conditions imposed with respect to the approval of a Special Land Use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions imposed and any changes to these conditions. In its discretion the Commission may require the conditions to be recorded with the Ionia County Register of Deeds.

Section 7.7 Expiration of Permit

A Special Land Use shall be valid upon approval by the Planning Commission. The Special Land Use however shall expire one year from the date of Planning Commission approval if actual construction of a substantial portion of the improvements included in the approved Special Land Use and site plan have not commenced and proceeded meaningfully toward completion during that period.

Upon written application filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a Special Land Use permit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

Section 7.8 Amendment to an Approved Special Land Use

A. Any person owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved Special Land Use, any conditions attached to the approval of the Special Land Use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

B. A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 7.3 herein.

C. Examples of a major change may include but are not limited to a substantial increase in the hours of operation, a substantial expansion of the land area devoted to outdoor activity, a substantial increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would substantially increase traffic or a change in the conditions of approval which may result in a substantial adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use and expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 7.2 of this Ordinance which would require a public hearing. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

If the requested changes apply only to a component of an approved site plan which is part of an approved Special Use the requirements of Article 7 herein shall apply.

Section 7.9 Validity of Permit

Planning Commission approval of a Special Land Use permit shall be valid regardless of change of ownership of the parcel(s) receiving the Special Land Use permit, provided that all standards and conditions are complied with by any subsequent land owner.

If a use authorized by a Special Land Use permit ceases for a period of three years the Special Land Use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures in Section 7.2 herein. The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special Land Use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.

Section 7.10 Revocation of Permit

If a violation of any of the conditions or standards imposed on a Special Land Use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the Special Land Use and the Planning Commission that such violation exists and that the permit may be revoked if the violation is not corrected within 15 days of such notification.

If said violation is not corrected within this 15 day period, the Planning Commission may revoke the permit following a public hearing noticed in accordance with the requirements of Section 9.5 herein.

Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

SECTION 2 EFFECTIVE DATE

This ordinance shall become effective upon its adoption and publication as provided by Village Charter.

Moved by _____ and supported by _____ that the above ordinance be adopted as read.

YEAS: _____.

NAYS: _____.

We hereby certify that the Village of Clarksville Council adopted the foregoing at a public session held on _____, 2011. VILLAGE OF CLARKSVILLE

Jordan Burnie, Village President

Shari Clark, Village Clerk

CERTIFICATION

I, the undersigned Clerk of the Village of Clarksville, certify that the above Ordinance is a true and complete copy of an Ordinance adopted at a regular meeting of the Village of Clarksville Council held on _____, 2011, pursuant to notice, and notice of its adoption, including being published in its entirety in the Lakewood News, on _____, 2011. I further certify that the above Ordinance was entered into the Ordinance Book of the Village on _____, 2011 and was effective immediately.

Dated: _____

Shari Clark, Village Clerk