

ORDINANCE NO. 2015.0601.001

VILLAGE OF STOCKBRIDGE
(Enacted June 1, 2015)

**AN ORDINANCE TO APPROVE
TEXT AMENDMENTS TO THE ZONING ORDINANCE**

preamble

WHEREAS, the Village of Stockbridge (hereinafter, the "Village") has adopted a Zoning Ordinance (hereinafter the "Ordinance") which now operates under the *Zoning Enabling Act of 2006*; and

WHEREAS, the Village has received an application dated March 14, 2015 from Jason & Kerri Allen (hereinafter, the "Applicant #1") requesting a text amendment to the Ordinance to allow Indoor Archery Ranges by special use permit in the C-2 Zoning District. Said application did not provide any definitive proposed language for the requested text amendment; and

WHEREAS, indoor archery ranges are not currently allowed in any zoning districts in the Village.

WHEREAS, the Planning Commission is, therefore, charged with coming up with the proposed language of the amendment and then scheduling a public hearing to take comment on the proposed amendment, pursuant to Section 6-329(a) of the Ordinance.

WHEREAS, the Planning Commission commissioned the Village Attorney and the Village Planner to craft language of a proposed amendment for initial consideration by the Planning Commission at a meeting on April 15, 2015

WHEREAS, after reviewing the proposed text amendment and listening to comments from the Commission members and public, as permitted by the Chair, the Planning Commission approved the draft language for submission to the public and scheduled a public hearing on the proposed text amendment on May 13, 2015 at 7:00 p.m., as required pursuant to Article XIV, Section 6-329 (a) of the Zoning Ordinance.

WHEREAS, after taking into consideration the public's comments at the Public Hearing on May 13, 2015 at 7:00 p.m., Section 6-329(b) of the Zoning Ordinance requires the Planning Commission to identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Village Council, taking into consideration the criteria for amendment of the official Zoning Ordinance set forth in Section 6-331 of the Ordinance.

WHEREAS, all costs the Village incurs in developing this text amendment shall be charged to each Applicant that incur same, in accordance with Article III, Section 6-47. Applicants shall be charged for the actual costs incurred by the Village, the Planning Commission, and/or the Zoning Administrator related to their requested text amendment for:

- a. Any publication or mailing costs required by this Ordinance and/or state law;
- b. Any traffic reports deemed necessary to complete the processing of the request;

- c. Any legal services deemed necessary to complete the processing of the request;
- d. Any planner fees deemed necessary to complete the processing of the request;
- e. Any Zoning Administrator fees deemed necessary to complete the processing of the request;
- f. Any topographic studies deemed necessary to complete the processing of the request;
- g. Any engineering services deemed necessary to complete the processing of the request; and
- h. Any other fees incurred by any other consultants deemed necessary by the above named governmental officials and/or entities to complete the processing of the request.

WHEREAS, after the public hearing, the Planning Commission found under Article XIV, Section 6-331 the following with relation to the proposed archery range:

- 1.1 the requested amendment is compatible with the basic intent and purpose of the Zoning Ordinance and specifically the proposed C-2 Zoning District;
- 1.2 the requested amendment is consistent with the goals and objectives and future land use make of the Village of Stockbridge Master Plan, as amended, including any sub-area or corridor studies, as the use requested is retail in nature;
- 1.3 the requested amendment will not correct any error in the current appropriate document, but instead expand the uses allowed by special use permit;
- 1.4 the requested amendment will not resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges;
- 1.5 The requested amendment will not result in an unlawful exclusionary zoning;
- 1.6 There is no documentation from Village Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance, as with regard to this requested amendment;
- 1.7 The requested amendment will not address changes in state legislation, other Village Ordinances, or federal regulations; and
- 1.8 The requested amendment will not resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

WHEREAS, pursuant to Section 6-329 (c), the Village council review and action of the Planning Commission. Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the proposed ordinance text amendment. In the case of an amendment to the text of this Zoning Ordinance, the Village Council may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment.

Ordinance

THE VILLAGE OF STOCKBRIDGE ORDAINS that after reviewing the recommendations from the Planning Commission regarding the proposed text amendments and considering the criteria set forth in Article XIV, Section 6-331, the Village approves the following text amendments to the Village's Zoning Ordinance:

SECTION 1. Section 6-70(e)(4)(b) of the Village of Stockbridge Zoning Ordinance should be added to read as follows:

(b) Indoor Archery Ranges, as provided for in Section 6-161 of the Zoning

Ordinance.

SECTION 2. Section 6-161 of the Village of Stockbridge Zoning Ordinance should be added to read as follows:

6-161. INDOOR ARCHERY RANGES

1. The structure for the completely enclosed range shall be constructed in such a manner strong enough to prevent a bolt or arrow from penetrating any wall. The Applicant will provide sealed certification from a licensed architect or structural engineer in the State of Michigan confirming same. The Applicant shall provide the licensed professional calculations used to arrive at this certification.
2. Areas subject to vehicle parking and truck traffic shall be hard surfaced with either a blacktop or a concrete surface. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
3. Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained at all times of operation and proof of said insurance shall be provided annually to the Village as a prerequisite to maintaining the special use permit of at least \$1,000,000.00
4. The Applicant(s)' proposed site must otherwise comply with the site plan review requirements of Article III, Section 6-45 of this Zoning Ordinance.

SECTION 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 4: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1; MSA 5.1271.

SECTION 5: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.