

HOPKINS TOWNSHIP, MICHIGAN

CODE OF ORDINANCES

Local legislation current through Ord. 2015-7, passed 9-14-2015

Published by:

American Legal Publishing Corporation

One West Fourth Street, Third Floor

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Fax: (513) 763-3562

Internet: <http://www.amlegal.com>

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time
- 10.13 Ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Repeal or modification of ordinance
- 10.16 Ordinances which amend or supplement code
- 10.17 Section histories; statutory references

- 10.99 Penalty

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Township of Hopkins, Michigan, shall be designated as the “Hopkins Township Code”, and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code, other than the title, chapter and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD or **BOARD OF TRUSTEES.** The Board of Trustees of the Township of Hopkins, Michigan.

CODE, THIS CODE, THIS CODE OF ORDINANCES, TOWNSHIP CODE or **HOPKINS TOWNSHIP CODE.** This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNTY. Allegan County, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and, in those cases, the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or **DEPARTMENT.** An officer, office, employee, commission or department of the municipality unless the context clearly requires otherwise.

PERSON.

(a) Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee or receiver.

(b) Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof, and, as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Michigan.

SUBCHAPTER. A subsection of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

TOWNSHIP. The Township of Hopkins, Michigan.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of the township shall be by the following rules unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND** or **OR.** Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever, in a section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the township exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within the township for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, **REASONABLE TIME OR NOTICE** shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it takes effect.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision unless it is expressly provided.

§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.17 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section.

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 15.231)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

The township shall make available to any person for inspection or copying all public records unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see Public Act 442 of 1976, being M.C.L.A. §§ 15.231 et seq.

§ 10.99 PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both the fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty and, in that event, the greater penalty shall control. Each act of violation and every day upon which the violation shall occur

shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not the penalty is re-enacted in the amendatory ordinance.

Cross-reference:

Municipal Ordinance Violations Bureau, see §§ 30.01 through 30.08

TITLE III: ADMINISTRATION

Chapter

30. LAW ENFORCEMENT

31. FIRE PROTECTION AND EMERGENCY SERVICES COST RECOVERY

CHAPTER 30: LAW ENFORCEMENT

Section

Municipal Ordinance Violations Bureau

- 30.01 Title
- 30.02 Establishment, location and personnel
- 30.03 Authority
- 30.04 Ordinance violation notice requirements; denial of responsibility
- 30.05 Schedule of civil fines and costs
- 30.06 Records and accounting
- 30.07 Other enforcement options available
- 30.08 Effective date

Ordinance Enforcement Officer

- 30.20 Establishment of office
- 30.21 Appointment
- 30.22 Authority
- 30.23 Duties
- 30.24 Supplementary effect
- 30.25 Effective date

MUNICIPAL ORDINANCE VIOLATIONS BUREAU

§ 30.01 TITLE.

This subchapter shall be known and cited as the “Hopkins Township Municipal Ordinance Violations Bureau Ordinance”.

(Prior Code, Ch. XXVII, § 1) (Ord. 98-02, passed 12-14-1998)

§ 30.02 ESTABLISHMENT, LOCATION AND PERSONNEL.

(A) *Establishment.* The Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Public Act 12 of 1994, being M.C.L.A. § 600.8396, as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions and to collect and retain civil fines/costs for such violations as prescribed herein.

(B) *Location.* The Bureau shall be located at P.C.I. of Dorr, Michigan, at 1575 142nd Avenue, or such other locations as may be designated by the Township Board.

(C) *Personnel.* All personnel of the Bureau shall be appointed by the Township Board. The Township Board may, by resolution, designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

(Prior Code, Ch. XXVII, § 2) (Ord. 98-02, passed 12-14-1998)

§ 30.03 AUTHORITY.

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this subchapter or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having

committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

(Prior Code, Ch. XXVII, § 3) (Ord. 98-02, passed 12-14-1998)

§ 30.04 ORDINANCE VIOLATION NOTICE REQUIREMENTS; DENIAL OF RESPONSIBILITY.

(A) *Ordinance violation notice requirements.* Municipal civil infraction notices shall be issued and served by authorized township officials as provided by law. A municipal ordinance violation notice shall include, at minimum, all of the following:

- (1) The violation;
- (2) The time within which the person must contact the Bureau for the purposes of admitting or denying responsibility for the violation;
- (3) The amount of the scheduled fines/costs for the violation;
- (4) The methods by which the violation may be admitted or denied;
- (5) The consequences of failure to pay the required fines/costs or contact the Bureau within the required time;
- (6) The address and telephone number of the Bureau; and
- (7) The days and hours that the Bureau is open.

(B) *Denial of responsibility.* Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated township official(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator’s last known address. The citation shall thereafter be processed in the manner required by law.

(Prior Code, Ch. XXVII, § 4) (Ord. 98-02, passed 12-14-1998)

§ 30.05 SCHEDULE OF CIVIL FINES AND COSTS.

(A) Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

1st violation within 3-year period*	\$50
2nd violation within 3-year period*	\$125
3rd violation within 3-year period*	\$250
4th violation or subsequent violation within 3-year period*	\$400
NOTES TO TABLE:	
* Determined on the basis of the date of violation(s)	

(B) In addition to the above-prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

(Prior Code, Ch. XXVII, § 5) (Ord. 98-02, passed 12-14-1998)

§ 30.06 RECORDS AND ACCOUNTING.

The Bureau Clerk, or other designated township official, shall retain a copy of all municipal ordinance violation notices and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require and shall be deposited in the General Fund of the township.

(Prior Code, Ch. XXVII, § 6) (Ord. 98-02, passed 12-14-1998)

§ 30.07 OTHER ENFORCEMENT OPTIONS AVAILABLE.

(A) Nothing in this subchapter shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice.

(B) As to each ordinance violation designated as a municipal civil infraction, the township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

(Prior Code, Ch. XXVII, § 7) (Ord. 98-02, passed 12-14-1998)

§ 30.08 EFFECTIVE DATE.

This subchapter took effect immediately upon publication as required by law following adoption by the Township Board.

(Prior Code, Ch. XXVII, § 9) (Ord. 98-02, passed 12-14-1998)

ORDINANCE ENFORCEMENT OFFICER

§ 30.20 ESTABLISHMENT OF OFFICE.

The Office of Hopkins Township Ordinance Enforcement Officer is hereby established.

(Prior Code, Ch. XXVIII, § 1) (Ord. 98-03, passed - -)

§ 30.21 APPOINTMENT.

(A) The Township Board is hereby authorized to appoint, by motion or resolution, any person or persons to the Office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion/resolution and for such compensation as the Board may determine.

(B) The Board may further, by motion or resolution, remove any person from said office, in the discretion of the Board.

(Prior Code, Ch. XXVIII, § 2) (Ord. 98-03, passed - -)

§ 30.22 AUTHORITY.

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that Officer’s authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this subchapter and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall, in the performance of the Officer’s duties, be subordinate and responsible to the Supervisor or such other Township Board member as the Township Board may from time to time designate.

(Prior Code, Ch. XXVIII, § 3) (Ord. 98-03, passed - -)

§ 30.23 DUTIES.

The Ordinance Enforcement Officer’s duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, being M.C.L.A. § 764.9c, as amended; issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1994, being M.C.L.A. §§ 600.8701 et seq., as it may from time to time be amended; appearance in or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the Township Board.

(Prior Code, Ch. XXVIII, § 4) (Ord. 98-03, passed - -)

§ 30.24 SUPPLEMENTARY EFFECT.

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this subchapter.

(Prior Code, Ch. XXVIII, § 6) (Ord. 98-03, passed - -)

§ 30.25 EFFECTIVE DATE.

This subchapter took effect immediately upon publication as required by the law, following adoption by the Township Board.

(Prior Code, Ch. XXVIII, § 7) (Ord. 98-03, passed - -)

CHAPTER 31: FIRE PROTECTION AND EMERGENCY SERVICES COST RECOVERY

Section

- 31.01 Title
- 31.02 Purpose
- 31.03 Legal basis
- 31.04 Definitions
- 31.05 Responsibility for fees and charges
- 31.06 Fees and charges; determination, appeal and collection
- 31.07 Effective date

§ 31.01 TITLE.

This chapter shall be known and may be cited as the “Hopkins Township Fire Protection Ordinance”.

(Prior Code, Ch. XXV, § 5.00) (Ord. 1993-1, passed - -)

§ 31.02 PURPOSE.

The purpose of this chapter is to establish a uniform system of fees and charges for basic fire protection and related emergency services and to provide a procedure for the determination and collection of those fees and charges.

(Prior Code, Ch. XXV, § 5.02) (Ord. 1993-1, passed - -)

§ 31.03 LEGAL BASIS.

This chapter is enacted pursuant to M.C.L.A. §§ 41.181 and 41.801 et seq.

(Prior Code, Ch. XXV, § 5.04) (Ord. 1993-1, passed - -)

§ 31.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASIC FIRE PROTECTION SERVICES. Those services rendered in an effort to control, confine, subdue or extinguish a fire of any kind.

HAZARDOUS WASTE AND TOXIC MATERIALS. Substances which pose an unreasonable risk to public health, safety or property or a risk of explosion, chemical instability or contamination of air, soil, surface water, including, but not limited to, substances in either a solid, liquid or gaseous form which are explosive, radioactive, carcinogenic, poisonous, flammable or corrosive to organic matter.

PERSON(S). Includes a natural person, a corporation, partnership, sole proprietorship or any other entity recognized by law, except an agency of federal, state, county or local government.

RELATED EMERGENCY SERVICE. Those services rendered by the Fire Department, other than basic fire protection services, including, but not limited to, rescue operations in general, assistance provided at the scene of an automobile collision and/or services rendered in connection with a hazardous waste or toxic materials emergency (including abatement, mitigation, clean-up, standby at the scene and mutual aid rendered by or to other fire departments).

(Prior Code, Ch. XXV, § 5.06) (Ord. 1993-1, passed - -)

§ 31.05 RESPONSIBILITY FOR FEES AND CHARGES.

(A) Any person who receives the benefit of a basic fire protection service shall be assessed the uniform charge for such service as set forth in the schedule of fees and charges established and hereafter amended by the Township Board.

(B) Any person who received the benefit of a related emergency services shall be assessed the uniform charge for such services as set forth in the schedule of fees and charges established and hereafter amended by the Township Board. In addition, such a person shall be assessed fees for the labor and equipment utilized in such a service, at the rates provided in the schedule of fees and charges.

(C) A person shall be deemed to have received the benefit of a basic fire protection or related emergency service if that person is the owner of the real property on which the fire originated, in the case of a basic fire protection service or if that person is in possession, custody or control of the property which is the subject of the related emergency service.

(D) Village properties are exempt from the basic fire call service.

(Prior Code, Ch. XXV, § 5.70) (Ord. 1993-1, passed - -)

§ 31.06 FEES AND CHARGES; DETERMINATION, APPEAL AND COLLECTION.

(A) The Township Fire Chief or his or her designate shall make an initial determination of the nature and amount of the appropriate fees and charges and the identity of the person who has received the benefit of a basic fire protection or related emergency service. Any person aggrieved by either of those determinations may appeal to the Township Board by submitting (within 28 days of the mailing date of a notice of initial determination), a written request for a hearing and a final determination.

(B) The determination of labor and equipment fees shall be based on the rates provided in the schedule of fees and charges. Fee periods shall be calculated from the time of dispatch until one hour after each firefighter or piece of equipment has left the scene. In the case of firefighters, fee periods shall include any period not to exceed seven days during which a firefighter is receiving emergency medical treatment for an injury sustained in the course and scope of his or her duties.

(C) Charges assessed pursuant to this chapter are supplementary to and not in derogation of levied taxes which support fire protection operations, equipment or buildings.

(Prior Code, Ch. XXV, § 5.75) (Ord. 1993-1, passed - -)

§ 31.07 EFFECTIVE DATE.

This chapter became effective on the date of publication.

(Prior Code, Ch. XXV, § 5.95) (Ord. 1993-1, passed - -)

TITLE V: PUBLIC WORKS

[Reserved]

TITLE VII: TRAFFIC CODE

[Reserved]

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. BLIGHT PREVENTION AND ELIMINATION
- 91. CEMETERIES
- 92. JUNK CARS
- 93. TELECOMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY

CHAPTER 90: BLIGHT PREVENTION AND ELIMINATION

Section

- 90.01 Purpose
- 90.02 Causes of blight or blighting factors
- 90.03 Violations
- 90.04 Effective date

- 90.99 Penalty

§ 90.01 PURPOSE.

Consistent with the letter and spirit of Public Act 344 of 1945, being M.C.L.A. §§ 125.71 et seq., as amended, it is the purpose of this chapter to prevent, reduce or eliminate blight or potential blight in the township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may exist in the future in said township.

(Prior Code, Ch. XIII, § 1) (Ord. 1987-1, passed 4-13-1987)

§ 90.02 CAUSES OF BLIGHT OR BLIGHTING FACTORS.

(A) It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in undesirable neighborhoods.

(B) On and after the effective date of this chapter, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such person, firm or corporation:

(1) In any area zoned for residential purposes, the storage upon property of building materials unless there is in force a valid building permit issued by the township for construction upon said property. Such materials may be stored in an enclosed building;

(2) In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse for a period not to exceed 15 days. The term "junk" shall include parts of machinery, motor vehicles, mobile homes, unused appliances stored in the open, remnants of wood, metal or any other material. Materials or parts that can be put to reasonable use which are located in agriculturally-, commercially- or industrially-zoned areas may be stored in an orderly fashion as not to create a nuisance, health or safety hazard to adjoining properties and residents;

(3) In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended;

(4) In any area, the existence of any vacant dwelling, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons; and/or

(5) In any area, the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the township and unless such construction is completed within a reasonable time.

(Prior Code, Ch. XIII, § 2) (Ord. 1987-1, passed 4-13-1987)

§ 90.03 VIOLATIONS.

Any person who violates, disobeys, neglects or refuses to comply with any provision of this chapter, or who causes, allows or consents to any of same, shall be deemed to be responsible for a violation of this chapter. Any person responsible for a violation of this chapter, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

(Prior Code, Ch. XIII, § 3) (Ord. 1987-1, passed 4-13-1987; Ord. 2008-01, passed 5-12-2008) Penalty, see § 90.99

§ 90.04 EFFECTIVE DATE.

This chapter became effective 30 days after publication as required by law.

(Prior Code, Ch. XIII, § 4) (Ord. 1987-1, passed 4-13-1987)

§ 90.99 PENALTY.

(A) *Municipal civil infraction.*

(1) A violation of this chapter is a municipal civil infraction as defined by state statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense	\$100	\$500
2nd offense*	\$225	\$500
3rd offense*	\$325	\$500
4th or more offense*	\$500	\$500

(2) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 be ordered.

(B) *Remedial action.* Any violation of this chapter shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this chapter and enforce the provisions thereof.

(Prior Code, Ch. XIII, § 3) (Ord. 1987-1, passed 4-13-1987; Ord. 2008-01, passed 5-12-2008)

CHAPTER 91: CEMETERIES

Section

- 91.01 Title
- 91.02 Cemetery lots and burial spaces defined
- 91.03 Sale of lots or burial spaces
- 91.04 Purchase price and transfer fees
- 91.05 Grave opening charges
- 91.06 Markers, memorials and monuments
- 91.07 Interment regulations
- 91.08 Ground maintenance
- 91.09 Forfeiture of vacant lots or spaces; procedures
- 91.10 Repurchase of lots or spaces
- 91.11 Records
- 91.12 Vault
- 91.13 Cemetery hours
- 91.14 Violations
- 91.15 Effective date

§ 91.01 TITLE.

This chapter shall be known and cited as the “Hopkins Township Cemetery Ordinance”.

(Prior Code, Ch. XXX, § 1) (Ord. 2-2003, passed 1-13-2003)

§ 91.02 CEMETERY LOTS AND BURIAL SPACES DEFINED.

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to ten burial spaces. Burial spaces shall consist of a land area four feet wide and eight feet in length.

(Prior Code, Ch. XXX, § 2) (Ord. 2-2003, passed 1-13-2003)

§ 91.03 SALE OF LOTS OR BURIAL SPACES.

(A) All sales of cemetery lots or spaces shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

(B) Burial lots or spaces may be transferred from the original purchaser to anyone the original purchaser chooses. If original ownership is transferred, a new burial deed shall be assigned and recorded by the Township Clerk and Sexton of said township and the original deed shall be cancelled.

(Prior Code, Ch. XXX, § 3) (Ord. 2-2003, passed 1-13-2003)

§ 91.04 PURCHASE PRICE AND TRANSFER FEES.

(A) All burial spaces shall be at a fee set by the Township Board.

(B) The foregoing charges shall be paid to the Township Treasurer.

(C) The Township Board, by motion, may periodically alter the fee schedule to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

(Prior Code, Ch. XXX, § 4) (Ord. 2-2003, passed 1-13-2003)

§ 91.05 GRAVE OPENING CHARGES.

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a to be determined from time to time by motion to the Township Board, payable to the township. No burial spaces shall be opened and closed, except under the direction and control of the Cemetery Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local Health Department.

(Prior Code, Ch. XXX, § 5) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.06 MARKERS, MEMORIALS AND MONUMENTS.

(A) All markers or memorials must be of stone or other equally durable composition. Any large upright monuments must be located upon a suitable foundation to maintain the same in erect position.

(B) Only one monument, marker or memorial shall be permitted per burial space.

(C) The footing or foundation which any monument, marker or memorial must be placed shall be constructed by the township at a cost to the owner of the burial right.

(Prior Code, Ch. XXX, § 6) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.07 INTERMENT REGULATIONS.

(A) Only one person may be buried in a burial space, except for a mother and infant or two children buried at the same time. Exceptions are cremations, at the discretion of the Sexton.

(B) Not less than 36 hours' notice shall be given in advance of any time of any funeral to allow for the opening of the burial spaces.

(C) (1) The appropriate permit for the burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to either the Cemetery Sexton or the Township Clerk prior to interment.

(2) Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

(D) All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

(Prior Code, Ch. XXX, § 7) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.08 GROUND MAINTENANCE.

(A) No grading, leveling or excavating upon burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.

(B) (1) No shrubs or trees of any type shall be planted without the approval to the Cemetery Sexton or the Township Clerk.

(2) Any of the foregoing items planted without such approval may be removed by the township or the Cemetery Sexton.

(C) (1) The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and use of the cemetery.

(2) Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

(D) The Cemetery Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that, through decay, deterioration, damage or otherwise, become unsightly, a source of litter or a maintenance problem.

(E) Surfaces other than earth or sod are prohibited.

(F) All refuse of any kind or nature including, among others, dried flowers, wreaths, papers and flower containers must be removed or deposited in containers located within the cemetery.

(Prior Code, Ch. XXX, § 8) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.09 FORFEITURE OF VACANT LOTS OR SPACES; PROCEDURES.

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

(A) Notice shall be sent by the Township Clerk by first class mail to the last known address of the owner of record informing him or her of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of said notice; and

(B) No written response to said notice indicating a desire to retain the cemetery lots or burial spaces in question is received by the Township Clerk from the last owner or record of said lots or spaces, or his or her heirs or legal representative, within 60 days from the date of mailing of said notice.

(Prior Code, Ch. XXX, § 9) (Ord. 2-2003, passed 1-13-2003)

§ 91.10 REPURCHASE OF LOTS OR SPACES.

The township will repurchase any cemetery lots or burial space from the owner for the current price, upon written request of said owner or his or her heirs or representatives.

(Prior Code, Ch. XXX, § 10) (Ord. 2-2003, passed 1-13-2003)

§ 91.11 RECORDS.

The Township Clerk shall maintain records concerning all burials, issuance of burial permits and any perpetual care fund records of the township and the same shall be open to public inspection at all reasonable business hours.

(Prior Code, Ch. XXX, § 11) (Ord. 2-2003, passed 1-13-2003)

§ 91.12 VAULT.

All burials shall be within a standard concrete vault, with a solid one piece lid, or constructed on each burial space before interment.

(Prior Code, Ch. XXX, § 12) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.13 CEMETERY HOURS.

(A) The cemetery shall be open to the general public from dawn to dusk each day.

(B) No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board or the Sexton of the cemetery.

(Prior Code, Ch. XXX, § 13) (Ord. 2-2003, passed 1-13-2003) Penalty, see § 10.99

§ 91.14 VIOLATIONS.

Any person, firm or corporation who violates any of the provisions of this chapter shall be guilty of the civil infraction ordinance of the township, §§ 30.01 through 30.08 of this code of ordinances.

(Prior Code, Ch. XXX, § 14) (Ord. 2-2003, passed 1-13-2003)

§ 91.15 EFFECTIVE DATE.

This chapter took effect 30 days after the date of publication.

(Prior Code, Ch. XXX, § 16) (Ord. 2-2003, passed 1-13-2003)

CHAPTER 92: JUNK CARS

Section

92.01	Title
92.02	Purpose; construction
92.03	Regulations
92.04	Violations
92.05	Effective date
92.99	Penalty

§ 92.01 TITLE.

This chapter shall be known and cited as the “Hopkins Township Junk Car Ordinance”.

(Prior Code, Ch. XX, § 20.001) (Ord. 1973-1, passed 5-14-1973)

§ 92.02 PURPOSE; CONSTRUCTION.

(A) The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars and dilapidated non-operating motor vehicles, upon any land in the township, except within areas where a licensed junk dealer is permitted to operate.

(B) These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the state relating thereto.

(Prior Code, Ch. XX, § 20.003) (Ord. 1973-1, passed 5-14-1973)

§ 92.03 REGULATIONS.

(A) No person, firm or corporation shall store, place or permit to stored or placed, or allow to remain on any parcel of land for a period of more than ten days in any one year a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly-enclosed structure or is located in a junk yard which has secured approval from the township.

(B) No person, firm or corporation shall park or store upon premises within the township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed and which is unlicensed, unless the same is kept within an enclosed building or approved junkyard.

(Prior Code, Ch. XX, § 20.002) (Ord. 1973-1, passed 5-14-1973) Penalty, see § 92.99

§ 92.04 VIOLATIONS.

Any person who violates, disobeys, neglects or refuses to comply with any provision of this chapter, or who causes, allows or consents to any of same, shall be deemed to be responsible for a violation of this chapter. Any person responsible for a violation of this chapter, whether as an owner (by deed or land

contract), lessee, licensee, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

(Prior Code, Ch. XX, § 20.004) (Ord. 1973-1, passed 5-14-1973; Ord. 2008-01, passed 5-12-2008) Penalty, see § 92.99

§ 92.05 EFFECTIVE DATE.

This chapter took effect on 6-20-1973.

(Prior Code, Ch. XX, § 20.005) (Ord. 1973-1, passed 5-14-1973)

§ 92.99 PENALTY.

(A) *Municipal civil infraction.*

(1) A violation of this chapter is a municipal civil infraction as defined by state statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense	\$100	\$500
2nd offense*	\$225	\$500
3rd offense*	\$325	\$500
4th or more offense*	\$500	\$500

(2) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 be ordered.

(B) *Remedial action.* Any violation of this chapter shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this chapter and enforce the provisions thereof.

(Prior Code, Ch. XX, § 20.004) (Ord. 1973-1, passed 5-14-1973; Ord. 2008-01, passed 5-12-2008)

CHAPTER 93: TELECOMMUNICATIONS FACILITIES IN RIGHTS-OF-WAY

Section

General Provisions

- 93.01 Purpose
- 93.02 Definitions
- 93.03 Conflicts
- 93.04 Effective date

Permits; Fees

- 93.15 Permit required
- 93.16 Issuance of permit
- 93.17 Conduit or utility poles
- 93.18 Route maps
- 93.19 Repair or damage
- 93.20 Annual maintenance fee
- 93.21 Modification of existing fees
- 93.22 Savings clause
- 93.23 Use of funds

Administration and Enforcement

- 93.35 Annual report
- 93.36 Cable television operators
- 93.37 Existing rights
- 93.38 Compliance with the Act
- 93.39 Reservation of police power
- 93.40 Authorized officials

93.41 Violations; municipal civil infraction

Cross-reference:

Building Regulations; Construction, see Ch. 150

Franchises, see TSO Table I

Wireless Communications Facilities, Towers and Antennas, see Ch. 152

GENERAL PROVISIONS**§ 93.01 PURPOSE.**

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, the "Act," being M.C.L.A. §§ 484.3101 et seq.) and other applicable law, and to ensure that the township qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(Prior Code, Ch. XXIX, § 1) (Ord. 1-2003, passed 5-14-2003)

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. (All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following.)

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, being M.C.L.A. §§ 484.3101 et seq.), as amended from time to time.

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to § 3 of the Act, being M.C.L.A. § 484.3103.

MPSC. The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the township for its telecommunications facilities.

PERSON. An individual, corporation, partnership, association, governmental entity or any other legal entity.

PUBLIC RIGHT-OF-WAY. The area on, below or above a public roadway, highway, street, alley easement or waterway. **PUBLIC RIGHT-OF-WAY** does not include a federal, state or private right-of-way.

TELECOMMUNICATION FACILITIES or FACILITIES. The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes and sheaths, which are used to, or can, generate, receive, transmit, carry, amplify or provide telecommunications services or signals.

TELECOMMUNICATION FACILITIES or FACILITIES do not include antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally-licensed commercial mobile service, as defined in § 332(d) of Part I of Title III of the Communications Act of 1934, Ch. 652, 48 Stat. 1064, 47 U.S.C. § 332, and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATION PROVIDER, PROVIDER and TELECOMMUNICATIONS SERVICES. Those terms as defined in § 102 of the State Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2102. **TELECOMMUNICATION PROVIDER** does not include a person or an affiliate of that person when providing a federally-licensed commercial mobile radio service as defined in § 332(d) of Part I of the Communications Act of 1934, Ch. 652, 48 Stat. 1064, 47 U.S.C. § 332, and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a **PROVIDER** also includes all of the following:

- (1) A cable television operator that provides a telecommunications service;
- (2) Except as otherwise provided by the Act, a person who owns telecommunications facilities within a public right-of-way; and
- (3) A person providing broadband internet transport access service.

TOWNSHIP. The Township of Hopkins.

TOWNSHIP BOARD. The Township Board of Hopkins or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Township Board.

TOWNSHIP CLERK. The Township Clerk or his or her designee.

(Prior Code, Ch. XXIX, § 3) (Ord. 1-2003, passed 5-14-2003)

§ 93.03 CONFLICTS.

Nothing in this chapter shall be construed in such manner as to conflict with the Act or other applicable law.

(Prior Code, Ch. XXIX, § 2) (Ord. 1-2003, passed 5-14-2003)

§ 93.04 EFFECTIVE DATE.

This chapter took effect 30 days after publication in a newspaper of general circulation within the township.

(Prior Code, Ch. XXIX, § 23) (Ord. 1-2003, passed 5-14-2003)

PERMITS; FEES

§ 93.15 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the township for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with § 6(1) of the Act, being M.C.L.A. § 484.3106(1). A telecommunications provider shall file one copy with the Township Clerk, Township Supervisor and one copy with the Township Attorney. Applications shall be complete and include all information required by the Act, including, without limitation, a route map showing the location of the provider's existing and proposed facilities in accordance with § 6(5) of the Act, being M.C.L.A. § 484.3106(5).

(C) *Confidential information.* If a telecommunication provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, propriety or confidential information, which is exempt from the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, pursuant to § 6(5) of the Act, being M.C.L.A. § 484.3106(5), the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The Township Supervisor may request an applicant to submit such additional information which the Township Supervisor deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Township Supervisor. If the township and the applicant cannot agree on the requirement of additional information requested by the township, the township or the applicant shall notify the MPSC as provided in § 6(2) of the Act, being M.C.L.A. § 484.3106(2).

(F) *Previously issued permits.* Pursuant to § 5(1) of the Act, being M.C.L.A. § 484.3105(1), authorizations or permits previously issued by the township under § 251 of the State Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2251, and authorizations or permits issued by the township to telecommunications providers prior to the 1995 enactment of § 251 of the State Telecommunications Act, but after 1985, shall satisfy the permit requirements of this chapter.

(G) *Existing providers.* Pursuant to § 5(3) of the Act, being M.C.L.A. § 484.3105(3), within 180 days from 11-1-2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the township as of such date, that has not previously obtained authorization or a permit under § 251 of the State Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2251, shall submit to the township an application for a permit in accordance with the requirements of this chapter. Pursuant to § 5(3) of the Act, being M.C.L.A. § 484.3105(3), a telecommunications provider submitting an application under this division (G) is not required to pay the \$500 application fee required under division (D) above. A provider under this division (G) shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in § 5(4) of the Act being M.C.L.A. § 484.3105(4).

(Prior Code, Ch. XXIX, § 4) (Ord. 1-2003, passed 5-14-2003)

§ 93.16 ISSUANCE OF PERMIT.

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the Township Supervisor. Pursuant to § 5(3) of the Act, being M.C.L.A. § 484.3105(3), the Township Supervisor shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 93.15(B) of this chapter for access to a public right-of-way within the township. Pursuant to § 6(6) of the Act, being M.C.L.A. § 484.3106(6), the Township Supervisor shall notify the MPSC when the Township Supervisor has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Township Supervisor shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the Township Supervisor shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with §§ 6(1), 6(2) and 15 of the Act, being M.C.L.A. §§ 484.3106(1), (2) and 484.3115.

(C) *Conditions.* Pursuant to § 15(4) of the Act, being M.C.L.A. § 484.3115(4), the Township Supervisor may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.*

(1) Pursuant to § 15(3) of the Act, being M.C.L.A. § 484.3115(3), and without limitation on division (C) above, the Township Supervisor may require that a bond be posted by the telecommunications provider as a condition of the permit.

(2) If a bond is required, it shall not exceed the reasonable cost to ensure the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Prior Code, Ch. XXIX, § 5) (Ord. 1-2003, passed 5-14-2003)

§ 93.17 CONDUIT OR UTILITY POLES.

Pursuant to § 4(3) of the Act, being M.C.L.A. § 484.3104(3), obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

(Prior Code, Ch. XXIX, § 7) (Ord. 1-2003, passed 5-14-2003)

§ 93.18 ROUTE MAPS.

Pursuant to § 6(7) of the Act, being M.C.L.A. § 484.3106(7), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the township, submit route maps showing the location of the telecommunications facilities to both MPSC and to the township. The route maps should be in paper or electronic format unless and until the MPSC determines otherwise, in accordance with § 6(8) of the Act, being M.C.L.A. § 484.3106(8).

(Prior Code, Ch. XXIX, § 8) (Ord. 1-2003, passed 5-14-2003)

§ 93.19 REPAIR OR DAMAGE.

Pursuant to § 15(5) of the Act, being M.C.L.A. § 484.3115(5), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the township, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Prior Code, Ch. XXIX, § 9) (Ord. 1-2003, passed 5-14-2003)

§ 93.20 ANNUAL MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the township set forth in § 93.15(D) of this chapter, a telecommunications provider with telecommunications facilities in the township's public right-of-way shall pay an annual maintenance fee to the Authority pursuant to § 8 of the Act, being M.C.L.A. § 484.3108.

(Prior Code, Ch. XXIX, § 10) (Ord. 1-2003, passed 5-14-2003)

§ 93.21 MODIFICATION OF EXISTING FEES.

(A) In compliance with the requirements of § 13(1) of the Act, being M.C.L.A. § 484.3113(1), the township hereby modifies, to the extent necessary, any fees charged to telecommunications providers after 11-1-2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority.

(B) In compliance with the requirements of § 13(4) of the Act, being M.C.L.A. § 484.3113(4), the township also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the township's boundaries, so that those providers pay only those fees required under § 8 of the Act, being M.C.L.A. § 484.3108. The township shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of § 13(4) of the Act, being M.C.L.A. § 484.3113(4). To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the township's policy and intent and, upon application by a provider or discovery by the township, shall be promptly refunded as having been charged in error.

(Prior Code, Ch. XXIX, § 11) (Ord. 1-2003, passed 5-14-2003)

§ 93.22 SAVINGS CLAUSE.

Pursuant to § 13(5) of the Act, being M.C.L.A. § 484.3113(5), if found to be invalid or unconstitutional, the modification of fees under § 93.21 of this chapter shall be void from the date the modification was made.

(Prior Code, Ch. XXIX, § 12) (Ord. 1-2003, passed 5-14-2003)

§ 93.23 USE OF FUNDS.

Pursuant to § 10(4) of the Act, being M.C.L.A. § 484.3110(4), all amounts received by the township from the Authority shall be used by the township solely for rights-of-way related purposes.

(Prior Code, Ch. XXIX, § 13) (Ord. 1-2003, passed 5-14-2003)

ADMINISTRATION AND ENFORCEMENT

§ 93.35 ANNUAL REPORT.

The Township Clerk shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority, as required under § 10(5) of the Act, being M.C.L.A. § 484.3110(5).

(Prior Code, Ch. XXIX, § 14) (Ord. 1-2003, passed 5-14-2003)

§ 93.36 CABLE TELEVISION OPERATORS.

Pursuant to § 13(6) of the Act, being M.C.L.A. § 484.3113(6), the township shall not a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after 11-1-2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

(Prior Code, Ch. XXIX, § 15) (Ord. 1-2003, passed 5-14-2003)

§ 93.37 EXISTING RIGHTS.

Pursuant to § 4(2) of the Act, being M.C.L.A. § 484.3104(2), except as expressly provided herein with respect to fees, this chapter shall not affect any existing rights that a telecommunications provider or the township may have under a permit issued by the township or under a contract between the township and a telecommunications provider related to the use of the public rights-of-way.

(Prior Code, Ch. XXIX, § 16) (Ord. 1-2003, passed 5-14-2003)

§ 93.38 COMPLIANCE WITH THE ACT.

(A) The township hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose.

(B) The township shall comply in all respects with the requirements of the Act, including, but not limited to, the following:

(1) Exempting certain route maps from the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. §§ 15.231 to 15.246, as provided in § 93.15(C) of this chapter;

(2) Allowing certain previously issued permits to satisfy the permit requirements of this chapter, in accordance with § 93.15(F) of this chapter;

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in § 93.15(G) of this chapter;

(4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the township, in accordance with § 93.16(A) of this chapter;

(5) Notifying the MPSC when the township has granted or denied a permit, in accordance with § 93.16(A) of this chapter;

(6) Not reasonably denying an application for a permit, in accordance with § 93.16(A) of this chapter;

(7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in § 93.16(B) of this chapter;

(8) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 93.16(C) of this chapter;

(9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with § 93.16(D) of this chapter;

(10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with § 93.17 of this chapter;

(11) Providing each telecommunications provider affected by the township's right-of-way fees with a copy of this chapter, in accordance with § 93.35 of this chapter;

(12) Submitting an annual report to the Authority, in accordance with § 93.35 of this chapter; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 93.36 of this chapter.

(Prior Code, Ch. XXIX, § 17) (Ord. 1-2003, passed 5-14-2003)

§ 93.39 RESERVATION OF POLICE POWER.

Pursuant to § 15(2) of the Act, being M.C.L.A. § 484.3115(2), this chapter shall not limit the township's right to review and approve a telecommunication provider's access to ongoing use of a public right-of-way or limit the township's authority to ensure and protect the health, safety and welfare of the public.

(Prior Code, Ch. XXIX, § 18) (Ord. 1-2003, passed 5-14-2003)

§ 93.40 AUTHORIZED OFFICIALS.

The Township Supervisor or his or her designee is hereby designated as the authorized township official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Ordinance Violations Bureau) or misdemeanor citations for violations of this chapter as provided by §§ 30.01 through 30.08 of this code of ordinances.

(Prior Code, Ch. XXIX, § 20) (Ord. 1-2003, passed 5-14-2003)

§ 93.41 VIOLATIONS; MUNICIPAL CIVIL INFRACTION.

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to fines according to §§ 30.01 through 30.08 of this code of ordinances. A violation of this chapter shall be a misdemeanor. Nothing in this section shall be construed to limit the remedies available to the township in the event of a violation by a person of this chapter or a permit.

(Prior Code, Ch. XXIX, § 21) (Ord. 1-2003, passed 5-14-2003)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. ADULT ENTERTAINMENT BUSINESSES

111. OUTDOOR GATHERINGS

CHAPTER 110: ADULT ENTERTAINMENT BUSINESSES

Section

110.01 Findings

110.02 Definitions

110.03 Unlawful activities

110.04 Liability

110.05 Effective date

110.99 Penalty

§ 110.01 FINDINGS.

(A) The township hereby adopts and incorporates herein its findings and record related to the adverse secondary effects of adult entertainment businesses, as detailed herein.

(B) (1) The Township Board also relies upon findings concerning secondary effects contained in additional reports, as well as in further judicial opinions, including those upholding regulations of nudity and the time, place and manner of operation of adult entertainment businesses in finding that:

(a) Adult entertainment businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter and sexual assault and exploitation; and

(b) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated adult entertainment businesses, including those businesses which provide private or semi-private rooms, booths or cubicles for viewing films, videos or live performances.

(2) Each of the foregoing negative secondary effects constitutes a harm which the township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the township's rationale for this chapter, exists independent of any comparative analysis between adult entertainment businesses and non-sexually oriented businesses. Additionally, the township's interest in regulating adult entertainment businesses extends to prevent future secondary effects of either current or future adult entertainment businesses that may locate in the township. The township finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

(Prior Code, Ch. XXXV, § 1) (Ord. 2011-8, passed 5-9-2011)

§ 110.02 DEFINITIONS.

(A) The terms in this chapter shall have the meanings ascribed to them in Ch. 157 of this code of ordinances, unless otherwise indicated herein.

(B) In addition, for the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ENTERTAINMENT BUSINESSES. Any adult regulated use as defined in Ch. 157 of this code of ordinances.

EMPLOYEE. A person who performs any service for any consideration on the premises of an adult entertainment business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operators of said adult entertainment businesses. **EMPLOYEE** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

NUDITY, NUDE or STATE OF NUDITY. The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. **NUDITY**, as used in this section, does not include a woman breastfeeding a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

OPERATE or CAUSE TO OPERATE. To cause to function or to put or keep in a state of doing business. **OPERATOR** means any person on the premises of an adult entertainment business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public or who causes to function or who puts or keeps the business open or in operation. A person may be found to be **OPERATING** or **CAUSING TO BE OPERATED** an adult entertainment business, regardless of whether that person is an owner or part owner of the business.

PATRON. A customer of the adult entertainment business or a person from the general public, not an employee of the business, who is on the premises to obtain, receive or view the products, services or performances offered by the business.

SEMI-NUDITY, SEMI-NUDE or IN A SEMI-NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard or similar wearing apparel; provided, the areola is not exposed in whole or in part.

(Prior Code, Ch. XXXV, § 2) (Ord. 2011-8, passed 5-9-2011)

§ 110.03 UNLAWFUL ACTIVITIES.

(A) Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities which are unlawful under the state law or township ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this chapter or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this chapter. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

(B) No person shall knowingly or intentionally, in an adult entertainment business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(C) No employee shall knowingly or intentionally, in an adult entertainment business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six feet from all patrons and on a fixed stage at least 18 inches from the floor in a room of at least 600 square feet.

(D) An adult entertainment businesses which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disk or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose.

(2) An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least of the operator's stations. The view required in this division (D)(2) must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator's station. It shall be the duty of the operator, and it shall also be the duty of any employee present on the premises, to

ensure that the view area specifically in this division (D)(2) remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(E) No employee who regularly appears within view of patrons in a semi-nude condition in an adult entertainment business shall knowingly or intentionally touch a patron or the clothing of a patron in an adult entertainment business.

(F) No operator shall allow or permit an adult entertainment business to be or remain open between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(Prior Code, Ch. XXXV, § 3) (Ord. 2011-8, passed 5-9-2011) Penalty, see § 110.99

§ 110.04 LIABILITY.

Scienter required to prove violation or business liability. This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee shall be imputed to the adult entertainment businesses for purposes of finding a violation of this chapter only if an officer, director or general partner, or a person who managed, supervised or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(Prior Code, Ch. XXXV, § 4) (Ord. 2011-8, passed 5-9-2011)

§ 110.05 EFFECTIVE DATE.

This chapter took effect 30 days following publication after adoption.

(Prior Code, Ch. XXXV, § 7) (Ord. 2011-8, passed 5-9-2011)

§ 110.99 PENALTY.

(A) (1) Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this chapter shall be deemed responsible for a municipal civil infraction, as defined by state statutes, which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense	\$75	\$500
2nd offense	\$150	\$500
3rd offense	\$325	\$500
4th offense	\$500	\$500

(2) Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 be ordered. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter. Each day that violation of this chapter continues to exist shall constitute a separate violation of this chapter.

(B) Notwithstanding division (A) above, the township may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this chapter.

(Prior Code, Ch. XXXV, § 5) (Ord. 2011-8, passed 5-9-2011)

CHAPTER 111: OUTDOOR GATHERINGS

Section

- 111.01 Preamble; findings
- 111.02 Definitions
- 111.03 License required
- 111.04 Application for license
- 111.05 Review
- 111.06 Approval; conditions; issuance
- 111.07 Denial
- 111.08 License; posting on premises
- 111.09 Minimum requirements
- 111.10 Revocation
- 111.11 Violations
- 111.12 Effective date

111.99 Penalty

§ 111.01 PREAMBLE; FINDINGS.

The Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of the township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, ambulance service, transportation, utility and other public services regularly provided in the township.

(Prior Code, Ch. XXXVI, § 1) (Ord. 1-2014, passed 6-23-2014)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTENDANT. Any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

LICENSEE. Any person to whom a license is issued pursuant to this chapter.

OUTDOOR GATHERING OR ASSEMBLY. Any outdoor event attended by more than 1,000 attendants, including a festival, concert, public show, display, entertainment, amusement, exhibition or similar gatherings, but does not mean:

- (1) An event conducted or sponsored by a governmental unit or agency on publicly-owned land or property; or
- (2) An event held entirely within a permanently enclosed and covered structure.

PERSON. Any natural person, partnership, corporation, association or organization.

SPONSOR. Any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.

(Prior Code, Ch. XXXVI, § 2) (Ord. 1-2014, passed 6-23-2014)

§ 111.03 LICENSE REQUIRED.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township without a license for each such assembly.

(Prior Code, Ch. XXXVI, § 3) (Ord. 1-2014, passed 6-23-2014) Penalty, see § 111.99

§ 111.04 APPLICATION FOR LICENSE.

(A) Applicants for a license to conduct an outdoor assembly must submit a complete application to the Township Clerk at least 45 days prior to the date of the proposed assembly. Each application must be accompanied by a non-refundable fee of \$1,000.

(B) At any point during the application review process, the township may require that the applicant place money into an escrow account with the township. If the township determines the escrow account needs replenishing and the applicant refuses to do so promptly, the township may suspend the application review and approval process until the applicant makes the required escrow deposit. If the applicant fails to replenish the escrow deposit as set forth above and the township continues the application review and approval process, then the applicant shall pay the township an amount equal to the costs in excess of any escrow amounts deposited by the applicant that the township incurred in the application and review process. Any moneys paid or deposited by an applicant which are not used or spent by the township shall be refunded to the applicant. Each application must minimally include the following:

- (1) The applicant's name, age, residence and mailing address; (Where the person making the application is a partnership, corporation or other association, this information must be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation must be filed, along with the names and addresses of all shareholders having financial interest greater than \$500.)
- (2) A statement of the kind, character and type of proposed assembly;
- (3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee must submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly;
- (4) The date or dates and hours during which the proposed assembly is to be conducted;
- (5) An estimate of the number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting purposes;
- (6) A map or maps of the overall site of the proposed assembly;
- (7) A detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:
 - (a) Police and fire protection;
 - (b) Food and water supply and facilities;
 - (c) Health and sanitation facilities;
 - (d) Medical facilities and services, including emergency vehicles and equipment;
 - (e) Vehicle access and parking facilities;
 - (f) Camping and trailer facilities;
 - (g) Lighting facilities;
 - (h) Communications facilities;
 - (i) Noise control and abatement;

- (j) Facilities for clean up and waste disposal; and
 - (k) Insurance and bonding arrangements.
- (8) Such other information identified by the township in writing.

(Prior Code, Ch. XXXVI, § 4) (Ord. 1-2014, passed 6-23-2014)

§ 111.05 REVIEW.

On receipt by the Clerk, copies of the application shall be forwarded to the Sheriff, the Fire Chief and to other appropriate public officials as the Township Board may identify. Such officers and officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Board within 20 days of receipt.

(Prior Code, Ch. XXXVI, § 5) (Ord. 1-2014, passed 6-23-2014)

§ 111.06 APPROVAL; CONDITIONS; ISSUANCE.

(A) Within 30 days after the completed application is filed, the Township Board must:

- (1) Issue a license;
- (2) Issue a license subject to specified conditions; or
- (3) Deny a license.

(B) The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice must be mailed to the applicant by certified mail within five days after the Board’s decision. In the case of denial, the reasons for the denial must be stated in the notice.

(Prior Code, Ch. XXXVI, § 6) (Ord. 1-2014, passed 6-23-2014)

§ 111.07 DENIAL.

A license may be denied if:

- (A) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed by the license, or with any other applicable provision of state or local law; or
- (B) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Prior Code, Ch. XXXVI, § 7) (Ord. 1-2014, passed 6-23-2014)

§ 111.08 LICENSE; POSTING ON PREMISES.

A license must specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed by the township. A license must be posted in a conspicuous place on the premises of the assembly and cannot be transferred to any other person or location.

(Prior Code, Ch. XXXVI, § 8) (Ord. 1-2014, passed 6-23-2014)

§ 111.09 MINIMUM REQUIREMENTS.

All licenses will, at a minimum, require the following.

- (A) *Security personnel.* The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and/or the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- (B) *Water supply.* The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.
- (C) *Restroom facilities.*

(1) The licensee shall provide sufficient toilet facilities or portable toilets, hand-washing stations and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Drinking fountains	1:500	1:500
Lavatories	1:200	1:200
Taps or faucets	1:500	1:500
Toilets	1:300	1:200
Urinals	1:100	N/A

(2) Where the licensee allows attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., the licensee shall provide shower facilities, on the basis of the number of attendees, in the following manner:

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Shower heads	1:100	1:100

(3) All facilities shall be installed, connected and maintained free from obstructions, leaks and defects and shall, at all times, be in operable condition as determined by the County Public Health Department.

(D) *Food service.* If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the State Food Law of 2000, being M.C.L.A. §§ 289.1101 et seq.; applicable rules and regulations; and any other applicable provision of state or local law. If the assembly is distant from food service establishments open to the public, the licensee must make such food services available on the premises as will adequately feed the attendants.

(E) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

(F) *Liquid waste disposal.*

(1) The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the County Public Health Department of the Public Health Code, part 127: Water Supply and Sewer Systems, being M.C.L.A. §§ 333.12701 et seq.; the Natural Resources and Environmental Protection Act, part 117: Septage Waste Servicers, being M.C.L.A. §§ 324.11701 et seq.; applicable rules and regulations and any other applicable provision of state or local law.

(2) If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, being M.C.L.A. §§ 324.1301 et seq., applicable rules and regulations and any other applicable provision of state or local law. The licensee shall provide the Township Clerk and County Public Health Department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

(G) *Solid waste disposal.*

(1) The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part I 15: Solid Waste Disposal, being M.C.L.A. §§ 324.11501 et seq., applicable rules and regulations and any other applicable provision of state or local law.

(2) Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township Clerk and County Public Health Department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health.

(3) The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health.

(4) Solid waste containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(H) *Reimbursement of township expenses.* The licensee shall be and remain liable for the actual costs and fees associated with the assembly incurred by the township or other agencies which bill the township (e.g., Sheriff's Department billings sent to the township and the like). Notwithstanding anything herein to the contrary, the Township Board or Supervisor, as a condition of the issuance of a license, may require of the licensee a deposit in an amount reasonably estimated to reflect the actual costs and fees associated with the assembly that will be incurred by the township or other agencies which bill the township.

(I) *Public bathing beaches.* Public bathing beaches shall be provided only in accordance with the Public Health Code, part 125: Campgrounds, Swimming Areas and Swimmer's Itch, being M.C.L.A. §§ 333.12501 et seq.; and the Natural Resources and Environmental Protection Act, part 801, being M.C.L.A. § 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

(J) *Public swimming pools.* Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, being M.C.L.A. §§ 333.12521 through 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

(K) *Access and traffic control.*

(1) The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises.

(2) Prior to the issuance of a license, the County Road Commission and County Sheriff must approve the licensee's plan for access and traffic control.

(L) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.

(M) *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with the township's Zoning Ordinance; the township's Campground Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, being M.C.L.A. §§ 333.12501 et seq.; and the State Department of Community Health's rules regarding sanitation and safety standards for campgrounds and public health.

(N) *Lighting.* The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township.

(O) *Insurance.*

(1) Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies approved by the Commissioner of Insurance of the state, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license.

(2) The evidence of insurance shall name the township as an additional insured and shall include an endorsement to the effect that the insurance company will notify the township in writing at least ten days before the expiration or cancellation of said insurance.

(P) *Bonding.* Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount of \$100,000 or cash to be placed in an escrow account to be approved by the Township Board or Attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers and employees and the Board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the township's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly.

(Q) *Fire protection.* The licensee shall, at his, her or its own expense, take adequate steps as determined by the Fire Chief to ensure fire protection, and the assembly shall be subject to all applicable sections of the Fire Prevention Code, being M.C.L.A. §§ 29.1 et seq., and any applicable rules and regulations promulgated thereunder.

(R) *Noise control.* Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons between the hours of 10:00 p.m. and 7:00 a.m.

(S) *Explosives officer.* The licensee shall, at his, her or its own expense, take all steps reasonably required by the State Police or other law enforcement agency to ensure that a trained explosives officer or viable alternative is on the site of the assembly at all times while the license is in effect.

(T) *Miscellaneous.* Prior to issuance of a license, the Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

(Prior Code, Ch. XXXVI, § 9) (Ord. 1-2014, passed 6-23-2014) Penalty, see § 111.99

§ 111.10 REVOCATION.

The Board may revoke a license whenever the licensee's employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

(Prior Code, Ch. XXXVI, § 10) (Ord. 1-2014, passed 6-23-2014)

§ 111.11 VIOLATIONS.

It shall be unlawful for a licensee or his or her employee or agent to knowingly:

- (A) Advertise, promote or sell tickets to, conduct or operate an assembly without first obtaining a license as herein provided;
- (B) Conduct or operate an assembly in such a manner as to create a public or private nuisance;
- (C) Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement;
- (D) Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct;
- (E) Permit any person to unlawfully consume, sell or possess intoxicating liquor while on the premises;
- (F) Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other controlled substances as defined by state law;
- (G) Operate in violation of the current version of the incident action plan as authorized by the Emergency Management Act, being M.C.L.A. §§ 30.401 et seq., which is incorporated herein by reference; and/or
- (H) Failure to obtain a building permit for any temporary structure including, but not limited to, staging, and/or an electric permit from the township as required under the 2009 State Building Code.

(Prior Code, Ch. XXXVI, § 11) (Ord. 1-2014, passed 6-23-2014) Penalty, see § 111.99

§ 111.12 EFFECTIVE DATE.

This chapter became effective 7-26-2014.

(Prior Code, Ch. XXXVI, § 14) (Ord. 1-2014, passed 6-23-2014)

§ 111.99 PENALTY.

Any of violations listed in § 111.11 of this chapter is a separate offense and is a nuisance per se immediately enjoined in the circuit courts. Without limiting the foregoing, any violation of this chapter is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or by both such fine and imprisonment. It is further provided that any of the violations listed in § 111.11 of this chapter is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

(Prior Code, Ch. XXXVI, § 11) (Ord. 1-2014, passed 6-23-2014)

TITLE XIII: GENERAL OFFENSES

[Reserved]

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. EARTH-CHANGING ACTIVITIES**
- 152. WIRELESS COMMUNICATIONS FACILITIES, TOWERS AND ANTENNAS**
- 153. MASTER PLAN**
- 154. DEVELOPMENT RIGHTS**
- 155. LAND DIVISION**
- 156. SUBDIVISIONS**
- 157. ZONING**

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

Code Enforcement

- 150.01 Electrical Code
- 150.02 Mechanical Code
- 150.03 Plumbing Code
- 150.04 Effective date

CODE ENFORCEMENT

§ 150.01 ELECTRICAL CODE.

Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the Electrical Inspector of the township is hereby designated as the enforcing agency to discharge the responsibilities of the township under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, and the provisions of the Electrical Code of the state as, from time to time, amended, as contained in the State Administrative Code, R 408.30801 et seq., as amended. The township hereby assumes responsibility for the administration and enforcement of said Electrical Code throughout its corporate limits.

(Prior Code, Ch. XXII, Art. I) (Ord. 1984-1, passed 5-14-1984)

§ 150.02 MECHANICAL CODE.

Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, the Mechanical Inspector of the township is hereby designated as the enforcing agency to discharge the responsibilities of the township under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, and the Mechanical Code of the state as, from time to time, amended, and as contained in the State Administrative Code, R 408.30901 et seq. The township hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(Prior Code, Ch. XXII, Art. II) (Ord. 1984-1, passed 5-14-1984)

§ 150.03 PLUMBING CODE.

Pursuant to the provisions of § 9 of Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, the Plumbing Inspector of the township is hereby designated as the enforcing agency to discharge the responsibilities of the township under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, and the Plumbing Code of the state as, from time to time, amended, and as contained in the State Administrative Code, being R 408.30701 et seq., as amended from time to time. The township hereby assumes responsibility for the administration and enforcement of said code throughout its corporate limits.

(Prior Code, Ch. XXII, Art. III) (Ord. 1984-1, passed 5-14-1984)

§ 150.04 EFFECTIVE DATE.

This subchapter became effective 30 days after legal publication and in accordance with the provisions of the Construction Code Act, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended. This subchapter became effective 7-13-1984.

(Prior Code, Ch. XXII, Art. V) (Ord. 1984-1, passed 5-14-1984)

CHAPTER 151: EARTH-CHANGING ACTIVITIES

Section

- 151.01 Nature; purpose and effect; rationale

- 151.02 Definitions
- 151.03 Minor earth-changing activities
- 151.04 Major earth-changing activities
- 151.05 Permits, hearings, fees and enforcement
- 151.06 Violation
- 151.07 Effective date

- 151.99 Penalty

§ 151.01 NATURE; PURPOSE AND EFFECT; RATIONALE.

(A) The purpose of this chapter is to provide definitions, standards and procedures for the regulation of earth-changing activities (e.g., mining excavation and the like) in the township, in accordance with the provisions of the Township Rural Zoning Act, Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended. The intent of this chapter is to discourage undesirable land uses which create unsafe or nuisance conditions or destroy the utility of site and adjoining land. This chapter provides for the issuance of permits, the imposition of conditions on the performance of such activities and penalties for the violation of standards and permit conditions. Owners and occupants of property in or adjoining Agricultural and R-1 Zoning Districts will be affected, principally.

(B) (1) Mining-related activities are currently allowed without any regulation in the Agricultural and R-1 Zoning Districts. Such activities are beneficial in most circumstances; provided that, they do not create the undesirable conditions referred to above.

(2) Some property owners of Hopkins and nearby townships have been negatively affected by earth-changing activities recently. Some areas of the township adjoining lakes and residential area are especially vulnerable to environmental damage. The township has suffered a diminution of property value and tax revenue in one such instance and desires to avoid any recurrence of that experience.

(Prior Code, Ch. XXIV) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EARTH-CHANGING ACTIVITY.

(1) Includes such activities as mining, moving, removing, transporting, dumping, spreading, stockpiling, digging, bulldozing or otherwise manipulating soil.

(a) ***MAJOR.*** Any earth-changing activity or combination of activities which:

1. Involves a total surface area of more than three acres;
2. Involves a quantity of soil in excess of 400 cubic yards within one year of commencement of such activity; or
3. Involves a site on which earth-changing operations are contemplated at a distance of less than 1,000 feet from a wetlands, river, lake, stream, pond or creek.

(b) ***MINOR.*** Any earth-changing activity or combination of activities which:

1. Involves a total surface area of more than one acre, but less than three acres; or
2. Involves a total quantity of soil greater than 200 cubic yards, but less than 400 cubic yards within one year of commencement of such activity.

(2) The following earth-changing activities are exempt from the provisions of this chapter:

- (a) Earth-changing activities which are not defined as either minor or major earth-changing activities;
- (b) Earth-changing activities which constitute the practice of commonly-accepted agricultural activities when employed on a parcel properly zoned for that purpose, as described in the State Right To Farm Act, being M.C.L.A. §§ 286.471 et seq., and defined by the State Department of Agriculture;
- (c) Earth-changing activities performed by or under the direction of the U.S. Corps of Engineers, the State Department of Transportation, the County Road Commission and the township in connection with the construction and maintenance of public roadways and publicly-owned facilities and buildings; and
- (d) Earth-changing activities directly related to and necessitated by a construction project for which a current building permit has been issued, unless the site of that project is described in division (1)(a)3. above.

SOIL. Topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate, marl, earth, waste products or any other similar material, specifically excluding subsurface deposits of oil, brine and natural gas, whose point of origin or point of destination is located within the township.

STREET. Includes the entire length and width of public and private roadways and rights-of-way of every kind or description, including, but not limited to, all of the primary and secondary roads now or hereafter serving the township and public drains for which the township may be assessed maintenance fees.

(Prior Code, Ch. XXIV, § I) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001)

§ 151.03 MINOR EARTH-CHANGING ACTIVITIES.

(A) Minor earth-changing activities may be performed without the issuance of a permit by the township; provided that, they are performed in accordance with the standards and restrictions expressed in division (B) below. A permit to commence or continue a minor earth-changing activity on a particular site may be required if the Township Planning Commission determines, after affording due notice and a hearing, that a violation of the standards and restrictions of division (B) below has occurred.

(B) Minor earth-changing activities shall be conducted in accordance with the following standards and restrictions.

(1) All sites of an earth-changing activity shall be stabilized, covered or surrounded by barriers as soon as practical after the activity commences, in such a manner as to prevent soil, dust or surface water from being blown, washed or otherwise transferred to adjacent lands and/or adjacent streets.

(2) Trees and ground vegetation shall not be stripped or felled from land more than 15 days prior to commencement of earth-changing operations, so as to prematurely or unnecessarily expose soil to wind or water erosion.

(3) No earth-changing activity shall obstruct public drains or traffic on public streets or traffic visibility thereon.

(4) No earth-changing activity shall be performed within the front, side or rear line set back distances established in Ch. 157 of this code of ordinances.

(5) No earth-changing activity shall be permitted to occur within 300 feet of any dwelling, unless the owner or occupant of that dwelling grants written permission therefor or the activity is specifically authorized by the Zoning Inspector as a temporary measure to allow the completion of construction which is the subject of a building permit.

(6) No earth-changing activity shall be conducted in such a manner as to create a substantial risk of endangering the public health and safety.

(7) No earth-changing activity shall be conducted in violation of any other township ordinance or any state or federal statute or regulation.

(Prior Code, Ch. XXIV, § II) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001) Penalty, see § 151.99

§ 151.04 MAJOR EARTH-CHANGING ACTIVITIES.

(A) No person, partnership, corporation or other entity shall commence a major earth-changing activity without a permit issued in advance. No person, partnership, corporation or other entity shall continue a major earth-changing activity or abandon the site of such an activity in the township after the effective date of this chapter unless an earth-changing permit has been issued, obtained and all conditions expressed therein are satisfied in a timely fashion.

(B) All major earth-changing activities shall be conducted in accordance with the standards and restrictions governing minor earth-changing activities and shall proceed only in strict compliance with all of the conditions placed upon such activity, as expressed in the permit.

(Prior Code, Ch. XXIV, § III) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001) Penalty, see § 151.99

§ 151.05 PERMITS, HEARINGS, FEES AND ENFORCEMENT.

(A) The form of an application for an earth-changing permit shall be approved by the Township Planning Commission and shall include the information referred to in § 157.367 of this code of ordinances and any additional information deemed material, relevant or useful.

(B) Fees and charges for an earth-changing permit, reasonably related to the actual expenses of issuing same and performing related regulatory functions, shall be established and modified by the Township Board. Fees and charges shall be payable in advance, unless otherwise provided by the Board. Payment of the fees and charges is a condition precedent to the continuing validity of any permit.

(C) Earth-changing permits shall be issued or denied within a reasonable time by the Zoning Inspector who shall enforce this chapter and make all initial determinations related to the enforcement, applicability and interpretation of this chapter, the assessment of fees and charges, the terms of permit conditions and compliance with standards, restrictions and permit conditions and whether to issue a "cease and desist" or "stop work order" concerning earth-changing activity.

(D) Any aggrieved party may appeal from any determination of the Zoning Inspector by making a request (in writing within ten days of receipt of a written determination) for a hearing before the Board of Appeals. Such hearings shall be conducted in the same manner as hearings on a zoning variance; except that, it shall be satisfactory to notify adjoining property owners, permit holders and site owners by telephone, posting on the site or by first class mail to their last known addresses no less than 24 hours prior to such hearing.

(E) Earth-changing permits may be issued subject to conditions imposed to prevent unduly hazardous conditions, to protect the public health, safety and welfare and to curtail the imposition of indirect costs associated with the activity upon the township, including, but not limited to, conditions that require the following:

(1) The restoration of the site at project completion (or of parts of the site where partial completion has occurred and the project is in operation more than 60 calendar days after permit issuance) to an elevation compatible with the surrounding area and suitable for subsequent development and the support of ground cover, including reforestation. Slopes restored to a relationship of three feet of run to one foot of rise shall be deemed satisfactory;

(2) The placement of fencing around the site for the purpose of preventing a dangerous, visibly blighted or unattractive nuisance condition;

(3) The payment of fees to defer additional costs associated with the application of adequate dust control and unscheduled or accelerated maintenance, cleaning and repair to public streets traveled in connection with the activity;

(4) The exclusive use of designated routes on public streets for ingress and egress to the site at designated times;

(5) The grading of the site at all times to avoid interference with surface water drainage affecting adjoining properties;

(6) The stockpiling on site of sufficient topsoil and/or overburden to restore the site at partial completion and before abandonment;

(7) The hard-topping, with concrete, bituminous substance, chemical treatment or other means, of those portions of any street adjoining the site and within 300 feet of a dwelling;

(8) The filing of a bond, performance security, cash or other secured undertaking, satisfactory to the Township Supervisor or Attorney, to ensure the faithful, lawful and complete performance of and compliance with all standards, restrictions and conditions of the permit. The amount of the bond shall reflect the scale of the activities, the prevailing cost to cure or rehabilitate the property, court costs, attorney fees and the salaries and expenses of regulatory personnel; and

(9) The indemnification of the township, its agents and employees, from any loss, damage, expense or liability to any person or property arising directly or indirectly from the earth-changing activity, supported by a certificate of an indemnity company licensed to do business in the state.

(Prior Code, Ch. XXIV, § IV) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001)

§ 151.06 VIOLATION.

The failure or refusal to cease and desist in a particular earth-changing activity or to stop all earth-changing activity in response to an order of the Zoning Inspector, which is ratified by the Board of Appeals, or a violation of any condition placed on an earth-changing permit, shall be enforceable as a violation of this chapter.

(Prior Code, Ch. XXIV, § V) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001) Penalty, see § 151.99

§ 151.07 EFFECTIVE DATE.

This chapter became effective on 7-17-2001.

(Prior Code, Ch. XXIV, § V) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001)

§ 151.99 PENALTY.

(A) Any person, partnership or corporation who violates this chapter with respect to a minor earth-changing operation shall be deemed guilty of a civil infraction and, upon a finding of conviction by a court of competent jurisdiction, may be fined \$100 per day for each and every violation and each and every day or part thereof that the violation continues.

(B) Any person, partnership or corporation who violates this chapter with respect to a major earth-changing activity shall be deemed guilty of a civil infraction and, upon a finding of conviction by a court of competent jurisdiction, may be fined \$500 per day for each and every violation and each and every day or part thereof that the violation continues.

(C) In addition to the foregoing, the Zoning Inspector, after notice and hearing, may order any particular earth-changing activity in violation of this chapter to cease and desist, pending a hearing on request. In the event of continuing or multiple violations, the Zoning Inspector may order all earth-changing activities on a designated site to stop immediately, pending a hearing. In addition, the Township Board may authorize its representatives to seek appropriate compensatory, remedial, injunctive and other equitable relief to remedy any violation of this chapter.

(Prior Code, Ch. XXIV, § V) (Ord. 1992-3, passed - -; Ord. 2001-1, passed 7-17-2001)

CHAPTER 152: WIRELESS COMMUNICATIONS FACILITIES, TOWERS AND ANTENNAS

Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 General requirements
- 152.04 Special use permits
- 152.05 Processing special use applications
- 152.06 Factors considered in granting special permits for towers or antennas
- 152.07 Availability of suitable existing towers, antennas or other structures or alternative technology
- 152.08 Setbacks
- 152.09 Removal of abandoned antennas and towers
- 152.10 Non-conforming uses
- 152.11 Effective date

§ 152.01 PURPOSE.

(A) The purpose of this chapter is to establish general guidelines for the setting of wireless communications towers and antennas.

(B) The goals of this chapter are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the township;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the township is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact through careful design, siting, landscape screening and innovative camouflaging techniques;
- (7) Enhance the ability of the providers of telecommunications services to provide such services to the township quickly, effectively and efficiently;
- (8) Consider public health and safety of the township and its residents; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(C) In furtherance of these goals, the township shall give due consideration to its Master Land Use Plan, zoning map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Prior Code, Ch. XXI, § 21.000) (Ord. 2000-4, passed 8-29-2000)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE TOWER STRUCTURE. Human-made truss, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

BACKHAUL NETWORK. The lines that connect the provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switched telephone network.

CO-LOCATION. The use of a common structure, tower or building by two or more wireless communications providers at a single location, with the view toward reducing the number of overall structures required in the township.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

HEIGHT. When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

LATTICE TOWER. A support structure constructed of vertical metal struts and cross-braces, forming a triangular or square structure which often tapers from the foundation to the top.

PRE-EXISTING TOWERS and PRE-EXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment adding these sections, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (i.e., without guy wires or other external means of support) lattice towers or monopole towers. The term includes radio and television transmission towers, micro-wave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and support thereto.

WIRELESS COMMUNICATIONS FACILITY. Includes all structures noted in the definition of "tower" above and all accessory equipment and buildings relating to the transmission and reception of radio signals.

(Prior Code, Ch. XXI, § 21.001) (Ord. 2000-4, passed 8-29-2000)

§ 152.03 GENERAL REQUIREMENTS.

(A) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing building or structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(B) *Lot size.* The lot on which the tower is located is not required to have public or private road frontage, but can be accessed by means of a 20-foot easement and must have at least a one to one ratio of tower height to ensure fall zone to adjacent properties.

(C) *Easement for ingress and egress.* A minimum 20-foot wide easement is required where permitted.

(D) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the location, height and design of each tower or antenna. The Zoning Administrator may share such information with other applicants applying for permits under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction to the township; provided, however, that, the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(E) *Aesthetics.* Towers and antennas shall meet the following requirements.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At the tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding building.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(E) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The light at the top of the tower must flash red from dusk until dawn.

(F) *State or federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the tower and antennas governed by this chapter shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the township to seek a court order, authorizing the township or its designee to remove the tower or antenna at the owner's expense.

(G) *Building codes; safety standards.* To ensure the structural integrity of towers and antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers and antennas that are

published by the Electronics Industries Association, or any similar successor organization, as amended from time to time. If, upon inspection, the township believes that a tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then the township may proceed under applicable state law (i.e., Public Act 144 of 1992, being M.C.L.A. §§ 125.539 through 125.542, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

(H) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.

(I) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(J) *Public notice.* For purposes of this chapter, any special use request, variance request or appeal shall require public notice to all abutting property owners and all properties that are located with corresponding separation distance listed, in addition to any notice otherwise required by this chapter and the Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(K) *Signs.* No signs or advertising shall be allowed on an antenna, tower or facility, except for a required informational sign listing parties responsible for activities on the site.

(L) *Buildings and support equipment.* Accessory buildings shall not be greater than 144 square feet and no more than ten feet in height.

(M) *Multiple antenna/tower plan.* The township encourages the users of towers and antennas to submit a single application for approval of as many towers and/or antenna sites as the user deems necessary to provide coverage for the particular use throughout the township. Applications for approval of multiple sites shall be given priority in the review process over applications for approval of single sites.

(N) *Metal towers.* Metal towers shall be constructed with a corrosion-resistant material or coating.

(O) *No interference.* Towers and antennas shall not interfere with television or radio reception on surrounding properties.

(P) *Paving requirements.* Parking and drive areas are not required to be paved. However, accessibility to the site must be maintained at all times in case of emergency.

(Prior Code, Ch. XXI, § 21.002) (Ord. 2000-4, passed 8-29-2000) Penalty, see § 10.99

§ 152.04 SPECIAL USE PERMITS.

The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

(A) The placement of the tower has very little of no effect on the agricultural use of the parcel;

(B) A special use permit shall be required for the construction of a tower or the placement of an antenna, except in the Industrial District;

(C) Applications for special use permits under this chapter shall be subject to the special use procedures and requirements of this chapter, except as modified in this chapter. Special uses granted by the Planning Commission under this section must be approved by the Township Board;

(D) In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties;

(E) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer in the state. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements; and

(F) An applicant for a special use permit shall submit the information described in this chapter and a non-refundable fee as established by resolution of the Township Board to reimburse the township for the costs of reviewing the application.

(Prior Code, Ch. XXI, § 21.003) (Ord. 2000-4, passed 8-29-2000)

§ 152.05 PROCESSING SPECIAL USE APPLICATIONS.

In addition to any information required for applications for special use permits pursuant to this chapter, applicants for a special use permit for a tower or an antenna shall submit the following information:

(A) A scaled site plan clearly indicating the location, type and height of the proposed tower or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Land Use Plan classification of the site and all properties within the applicable separation distances set forth in this section, adjacent roadways, proposed means of access, setbacks for property lines, elevation drawings of the proposed tower or antenna and any other structures, topography, parking and other information deemed necessary to assess compliance with this chapter;

(B) Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot;

(C) The setback distance between the proposed tower or antenna and the nearest structure, platted residentially zoned properties and un-platted residentially zoned properties;

(D) A landscape plan showing specific landscape materials;

(E) Method of fencing, finished color and if applicable, the method of camouflage and security lighting;

(F) A description of compliance with the requisites of the general requirements of § 157.349 of this code of ordinances, as well as with the requirements of this section and with all applicable federal, state, county or township laws, rules, regulations and ordinances;

(G) A notarized statement by the applicant as to whether construction of a tower will accommodate co-location of additional antennas for future users and if the tower is structurally engineered to handle the additional loads and stresses;

(H) Identification of the entities providing the back-haul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the township; and

(I) A description of the suitability for the use of existing towers, antennas, other structures or alternative technology not requiring the use of towers or antennas or other structures to provide the services to be provided through the use of the proposed new tower or antenna.

(Prior Code, Ch. XXI, § 21.004) (Ord. 2000-4, passed 8-29-2000)

§ 152.06 FACTORS CONSIDERED IN GRANTING SPECIAL PERMITS FOR TOWERS OR ANTENNAS.

In addition to any other standards specified in this chapter for considering special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit under this chapter:

- (A) Check Master Plan for future development of proposed area;
- (B) Height of the proposed tower or antenna;
- (C) Proximity of the tower or antenna to residential structures and residential district boundaries;
- (D) Nature of uses on adjacent and nearby properties;
- (E) Surrounding topography;
- (F) Surrounding tree coverage and foliage;
- (G) Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (H) Proposed ingress and egress; and

(I) Availability of suitable existing towers or antennas, other structures or alternative technologies not requiring the use towers or antennas, as discussed in the following section.

(Prior Code, Ch. XXI, § 21.005) (Ord. 2000-4, passed 8-29-2000)

§ 152.07 AVAILABILITY OF SUITABLE EXISTING TOWERS, ANTENNAS OR OTHER STRUCTURES OR ALTERNATIVE TECHNOLOGY.

(A) No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, antenna structure or alternative technology can accommodate the applicant without the erection of the applicant's requested new tower or antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, antennas or other structures or alternative technology.

(B) Evidence submitted to demonstrate that no existing tower, antenna, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following.

- (1) No existing towers, antennas or other structures are located within the geographical area which meet the applicant's engineering requirements.
- (2) Existing towers, antennas or other structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) Existing towers or other structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs or contractual provisions required by the owner in order to share an existing tower, antenna or other structure or to adapt an existing tower, antenna or other structure for sharing are unreasonable. Costs exceeding the new tower or antenna development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers, antennas and other structures unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or other structures, such as cable micro-cell network using multiple tow-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(Prior Code, Ch. XXI, § 21.006) (Ord. 2000-4, passed 8-29-2000)

§ 152.08 SETBACKS.

The following setback requirements shall apply to all towers and antennas for which a special use permit is required.

- (A) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
- (B) Accessory buildings must satisfy the minimum setback requirements for the applicable zoning district in which it is located.
- (C) Towers shall be enclosed by security fencing not less than six feet in height. The towers shall also be equipped with appropriate anti-climbing devices.
- (D) (1) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.
- (2) The required landscaping shall be maintained for the duration of the special use permit.

(E) In order to facilitate removal of abandoned antennas or towers, the applicant shall post security in one of the following forms at the election of the applicant cash; surety bond; letter of credit; or an agreement in a form approved by the attorney for the township and recorded at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the township in securing removal.

(Prior Code, Ch. XXI, § 21.007) (Ord. 2000-4, passed 8-29-2000) Penalty, see § 10.99

§ 152.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

(A) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from township notifying the owner of such abandonment.

(B) Failure to remove an abandoned antenna, tower and accessory facilities within said 90 days shall be grounds for the township to proceed under applicable state law to remove the tower or antenna at the owner's expense.

(C) If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Prior Code, Ch. XXI, § 21.008) (Ord. 2000-4, passed 8-29-2000) Penalty, see § 10.99

§ 152.10 NON-CONFORMING USES.

Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

(Prior Code, Ch. XXI, § 21.009) (Ord. 2000-4, passed 8-29-2000)

§ 152.11 EFFECTIVE DATE.

This chapter became effective immediately upon publication as is required by law.

(Prior Code, Ch. XXI) (Ord. 2000-4, passed 8-29-2000)

CHAPTER 153: MASTER PLAN

Section

153.01 Master Plan adopted by reference

§ 153.01 MASTER PLAN ADOPTED BY REFERENCE.

The township's Master Plan, and any and all amendments, is hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, Ch. XXXIV)

CHAPTER 154: DEVELOPMENT RIGHTS

Section

154.01 Declaration of purpose

154.02 Definitions

154.03 Authorization

154.04 Township Agricultural Preservation Board

154.05 Eligibility for application

154.06 Criteria for reviewing and ranking applications

154.07 Application and selection process

154.08 Agricultural conservation easement provisions

154.09 Duration of agricultural conservation easements

154.10 Determining the value of development rights/agricultural conservation easements

154.11 Operating and administrative costs

154.12 Farmland Preservation Fund

154.13 Amendments

154.14 Effective date

§ 154.01 DECLARATION OF PURPOSE.

(A) *Economic importance of agricultural land.* Agricultural land situated in the township is a valued and economically important resource which provides the essential and irreplaceable basis for production of dairy products, livestock, hay, grains, vegetables, fruit, nursery plants and greenhouse crops. Climate, topography, soil composition and accessibility make agricultural land in the township ideally suited for production, processing and distribution of agricultural products locally, regionally, nationally and internationally. Agricultural land in the township also supports a broad range of agriculturally-dependant businesses such as farm machinery sales and maintenance, sale of farm supplies and fuel, services of veterinarians, grain dealers, transportation services and packaging plants, all of which contribute significantly to local and regional economies.

(B) *Importance of non-agricultural attributes of farmland.* In addition to its economic importance, agricultural land in the township enhances overall quality of life for all township residents by providing scenic beauty, preserving open space, maintaining rural character, promoting hunting and recreational opportunities, preserving cultural heritage, as well as protecting valued environmental benefits such as watershed quality and preservation of wildlife habitat.

(C) *Farmland loss results from development trends.* The township is not exempt from the pressures of ever-increasing population which necessarily results in agricultural land lost to residential and commercial development.

(D) *Impact of farmland loss.* Land suitable for farming is a finite and irreplaceable natural resource, the quality of which has been enhanced by the labor of generations of farming families in the township. When such land is lost to residential or other developed uses which do not require the special characteristics inherent in agricultural land, quality of life in the township is irreparably degraded. Further, non-farm development in agricultural areas makes farming more difficult because it causes conflict concerning existing farm practices, and increases the incidence of trespass, which in turn heightens exposure to personal injury liability, and increases risk of property damage. Because agricultural land is a crucial natural, aesthetic and economic resource, the township must endeavor to ensure its continued existence, and thereby to protect both the long-term viability of the business of agriculture and the quality of life for all residents.

(E) *State and local policies.*

(1) It is the policy of the state and the township to protect and preserve farmland. This policy is evidenced by such enactments as the township's Master Land Use Plan, the State Agricultural Preservation Fund, the Conservation and Historic Preservation Easement Act, being M.C.L.A. §§ 324.2140 through 324.2144, provisions of the township and county zoning acts, along with other state and local statutes, ordinances and policies.

(2) However, these measures alone do not effectively provide adequate long-term protection for farmland in the township from existing and impending pressures of residential and commercial development.

(F) *Value of development rights.* The features of good farmland such as perkable soils and open space views, are the same features sought for residential home sites, which results in speculative purchase of farmland without regard to existing agricultural zoning designations. Agricultural investment is not sustainable when market value of farmland as potential building sites exceeds its agricultural value.

(G) *Purpose of the Program.* It is the purpose of the Township Farmland Preservation Program and this chapter to protect farmland in order to maintain a long-term business environment for agriculture in the township, to preserve the rural character and scenic attributes of the township, to enhance important environmental benefits and to maintain the quality of life of township residents.

(H) *Mechanism to achieve purpose.* Acquisition of development rights/conservation easements on farmland and other eligible land through the Township Farmland Preservation Program and this chapter is a public purpose of the township. Acquisition of development rights by the township shall be accomplished by entering into written agreements with landowners. Such written agreements shall provide that any real property from which the township has purchased or otherwise acquired development rights shall remain undeveloped and available for agricultural use unless otherwise specifically provided for herein.

(I) *Intent of chapter.* The intent of this chapter is to establish a framework for the preservation of farmland and other eligible land. Mechanisms such as funding and scale of the program are left to the discretion of the Township Board.

(Prior Code, Ch. XXXI, § 1) (Ord. passed 8-16-2004)

§ 154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL CONSERVATION EASEMENTS. A conveyance by a written instrument in which, subject to permitted uses, the owner relinquishes to the public in perpetuity his or her development rights and makes a covenant running with the land not to undertake development.

AGRICULTURAL USE. The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. **AGRICULTURAL USE** includes use in a federal acreage set-aside program or a federal conservation reserve program. **AGRICULTURAL USE** does not include the management and harvesting of a woodlot.

DEVELOPMENT. An activity that materially alters or affects the existing conditions or use of any land.

DEVELOPMENT RIGHTS. An interest in land that includes the right to construct a building or structure, to improve land for development, to divide a parcel for development or to extract minerals incidental to a permitted use or as is set forth in an instrument recorded pursuant to this chapter.

FARMLAND. One or more of the following:

- (1) A farm of 40 acres or more in one ownership, with 51% or more of the land area devoted to an agricultural use;
- (2) A farm of five acres or more in one ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use, that has produced a gross annual income from agriculture of \$200 per year or more per acre of cleared and tillable land. A farm described in this division (2) enrolled in a federal acreage set-aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200 per year or more per acre of cleared and tillable land;
- (3) A farm designated by the Department of Agriculture as a specialty farm in one ownership that has produced a gross annual income from an agricultural use of \$2,000 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae, pheasants and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities; and/or
- (4) Parcels of land in one ownership that are not contiguous, but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland may be included in an application.

OWNER. A person having a freehold estate in land coupled with possession and enjoyment. If land is subject to a land contract, **OWNER** means the vendee in agreement with the vendor.

PERMITTED USE. Any use expressly authorized within an agricultural conservation easement that is consistent with the farming operation. Storage, retail or wholesale marketing, or processing of agricultural products is a permitted use in a farming operation if more than 50% of the stored, processed or merchandised products are produced by the farm operator for at least three of the immediately preceding five years.

PERSON. Includes an individual, corporation, limited liability company, business trust, estate, trust, partnership or association, or two or more persons having a joint or common interest in land.

(Prior Code, Ch. XXXI, § 2) (Ord. passed 8-16-2004)

§ 154.03 AUTHORIZATION.

(A) Pursuant to the Township Zoning Act, the Township Board is authorized to acquire the development rights of farmland throughout the township. Such acquisition may be by purchase, gift, grant, bequest, devise, covenant, contract or any other means consistent with applicable law.

(B) To acquire development rights/agricultural conservation easements, the township is expressly authorized to enter into installment purchase contracts, and to pay interest on the declining unpaid balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of installment purchase contracts. The township is also authorized to acquire development rights by means of options, written agreements, acceptance of tax-deductible donations of easements and by any other means consistent with applicable law.

(C) The township is authorized to contract with non-profit land trusts or other qualified organizations, entities or individuals to obtain assistance in negotiating contracts for the purchase of development rights/agricultural conservation easements, conducting baseline studies, creating procedures to monitor compliance with conditions and in monitoring compliance.

(D) The township is authorized to seek grants or any other appropriate means of funding from state and federal governmental programs, private foundations, organizations and/or individuals to carry out the intent and to accomplish the purpose of this chapter.

(Prior Code, Ch. XXXI, § 3) (Ord. passed 8-16-2004)

§ 154.04 TOWNSHIP AGRICULTURAL PRESERVATION BOARD.

(A) The Township Supervisor shall nominate and the Township Board shall appoint a seven member body under this chapter to be named the "Hopkins Township Agricultural Preservation Board". The seven voting members shall be residents of the township. The appointed Board should include, if available:

- (1) One Township Board member;
- (2) Three individuals with agricultural interests;
- (3) One individual with real estate or development interests;
- (4) One individual with local conservation interests; and
- (5) One member of the Township Planning Commission.

(B) Members of the Township Preservation Board shall serve three-year terms, with the exception that the appointment from the Township Board and the Planning Commission shall be made on an annual basis. The initial terms shall be staggered so that one of the agricultural representatives and the real estate representative shall serve initial one year terms, that another agricultural representative and the representatives from the Township Board and Planning Commission shall serve initial two year terms and that the third agricultural representative and the local conservation representative shall serve initial three year terms. Any member may be removed by the Township Supervisor for inefficiency, neglect of duty or malfeasance in office, but only after an appropriate hearing and approval by the Township Board. Members shall be compensated for attending meetings, for mileage and for other approved expenses in accordance with the standing rules of the Township Board as they pertain to township boards and committees.

(C) The Township Agricultural Preservation Board shall oversee the township's Farmland Preservation Program and shall be responsible for:

- (1) Establishing selection criteria for ranking and prioritizing applications to the program. Selection criteria shall be approved by the Township Board prior to each application cycle;
- (2) Establishing a points-based appraisal formula for determining the value of development rights/agricultural conservation easements. The formula shall be subject to approval by the Township Board;
- (3) Reviewing and scoring all applications according to the selection criteria previously approved by the Township Board;
- (4) Ranking and prioritizing top-scoring applications and making recommendations to the Township Board for purchase of development rights;
- (5) Approving restrictions and permitted uses under agricultural conservation easements consistent with this chapter;
- (6) Establishing prices to be offered for development rights and authorizing negotiations for their acquisition. All proposed acquisitions of development rights/agricultural conservation easements shall be approved by the Township Board; and
- (7) Establishing monitoring procedures and overseeing monitoring for compliance with all agricultural conservation easements. Enforcement of compliance shall be the responsibility of the Township Board.

(D) Individual Township Agricultural Preservation Board members may not sell development rights to farmland under this chapter during their terms of office. Individual Township Agricultural Preservation Board members shall disclose any potential conflict of interest and may not vote when a conflict exists. Conflicts of interest include, but are not limited to, situations where:

- (1) The member is a relative of the applicant;
- (2) The Board member has a business association or ties with the applicant; and
- (3) The Board member, a relative or business associated could receive financial gain or benefit from the acceptance of the application.

(E) To the extent of available funding and as approved by the Township Board after consultation with the Township Agricultural Preservation Board, the township may contract with qualified and experienced individuals or entities for consulting or staffing services.

(F) The Township Agricultural Preservation Board shall provide the Township Board with an annual administrative report. The annual report shall set forth any recommended changes to the selection criteria, the number of applications for the year, a listing of eligible properties and value of development rights under consideration, a listing of development rights acquired, the results of monitoring for compliance with the requirements of conservation easements and any other information relevant to evaluation of activities of the Board and status of the Agricultural Preservation Program under this chapter.

(Prior Code, Ch. XXXI, § 4) (Ord. passed 8-16-2004)

§ 154.05 ELIGIBILITY FOR APPLICATION.

Any property owner may submit an application to the Township Farmland Preservation Program; provided, the application meets the following requirements:

- (A) The property owner has signed the application establishing interest in voluntarily selling or otherwise conveying development rights to the parcel under this chapter;
- (B) At least 51% of the applicant's property is devoted to an active agricultural use, with no more than 49% of the same parcel devoted to non-agricultural open space consisting of wetlands, woodlands or otherwise non-farmable land; and
- (C) The property is not zoned or planned for residential, commercial or industrial uses under the Township Master Land Use Plan.

(Prior Code, Ch. XXXI, § 5) (Ord. passed 8-16-2004)

§ 154.06 CRITERIA FOR REVIEWING AND RANKING APPLICATIONS.

(A) The Township Agricultural Preservation Board shall establish selection criteria for making and prioritizing all eligible parcels submitted to the Township Farmland Preservation Program which criteria shall be subject to the approval of the Township Board.

(B) The selection criteria shall place an emphasis on farmland that:

- (1) Has a productive capacity suited for the production of feed, food and fiber and has a greater potential for long-term agricultural production. Specific selection criteria may be based on soil classifications, parcel size, agricultural income, or the implementation of a soil conservation plan;
- (2) Is under the threat of development. Specific selection criteria may be based on the proximity to public sanitary sewer or water, the extent of development activity in the township or the amount of road frontage;
- (3) Complements other farmland protection efforts in the township and the county. Specific selection criteria may include proximity to other permanently protected farmland, proximity to other protected land or surrounding land, or inclusion in an agricultural zoning district;
- (4) Has additional matching funds provided by the landowner or private sources;
- (5) Other factors considered important by the Township Agricultural Preservation Board such as physical, historical or environmental characteristics; and
- (6) Is consistent with the U.S. 131 Scenic Corridor Plan.

(Prior Code, Ch. XXXI, § 6) (Ord. passed 8-16-2004)

§ 154.07 APPLICATION AND SELECTION PROCESS.

(A) In accordance with the procedures set forth in this chapter, the township and the Township Agricultural Preservation Board may conduct an annual voluntary application and selection process for property owners who wish to sell or otherwise convey development rights/agricultural conservation easements under the Township Farmland Preservation Program.

(B) The Township Agricultural Preservation Board shall begin each application cycle by giving notice at least 90 days in advance of the application deadline that the township is accepting applications to the Township Farmland Preservation Program. Notification shall be given in a newspaper of general circulation within the township.

(C) The application may require information from the County Conservation District and the township in addition to the property owner.

(D) Upon receipt of the application, the Clerk shall forward the application to the Township Agricultural Preservation Board for scoring, review and recommendation. In the event that a Township Agricultural Preservation Board, as defined in this chapter, has not been established, the Township Board shall forward the application to the Township Planning Commission for review and recommendation.

(E) Submission of an application shall signify the intent to sell or otherwise convey development rights associated with the applicants's property to the township if mutually agreeable terms are reached. The application shall remain active until such time as the applicant rescinds his or her application in writing or in the event that either the scoring criteria or application requirements are modified.

(F) At the close of the application deadline, an initial determination of eligibility shall be made by the Township Agricultural Preservation Board or designated staff. Property owners shall be notified in the event that applications do not meet eligibility requirements. Each eligible application shall be evaluated and scored according to selection criteria established by the Township Agricultural Preservation Board and approved by the Township Board prior to the application cycle.

(G) The Agricultural Preservation Board shall rank parcels according to the selection criteria score and, if necessary, individually re-evaluate and re-prioritize top scoring applications with the purpose of identifying which applicant's development rights should be purchased first in light of available funding. The Preservation Board shall disclose, in writing, on each effected application its reason(s) for re-prioritization.

(H) The final ranking and prioritization of applications shall be submitted to the Township Board for its approval prior to undertaking initial negotiations with landowners.

(I) Agricultural value shall be based on a price established by the Township Agricultural Preservation Board using a state certified appraiser or a points-based appraisal method established in § 154.10 of this chapter.

(J) Upon mutual agreement to the terms of the purchase by the property owner and the Township Agricultural Preservation Board, but not before approval of the Township Board, a title search shall be conducted to establish that there exist no hindrances or encumbrances on the applicant's clear title to the selected property affecting the ability of the applicant to sell or otherwise convey associated development rights. Any question as to clear title shall be resolved by the applicant to the satisfaction of the Township Board prior to closing on the sale or conveyance and prior to creation of the required agricultural conservation easement. Mutual agreement as to terms of the purchase referenced above shall be in writing and shall be contingent upon the applicant's ability to convey clear title to development rights and upon willingness of all persons and entities with any interest in the property to record the required agricultural conservation easement as drafted by the Township Board.

(K) Each proposed purchase or other conveyance of development rights/agricultural conservation easement is subject to approval by the Township Board. In its discretion, the Township Board may modify any recommendation for purchase or other conveyance of development rights by the Township Agricultural Preservation Board.

(L) The required agricultural conservation easement must be properly executed and recorded at the County Register of Deeds' office simultaneously with the sale or other conveyance of any development rights.

(M) Compliance with restrictions set forth in agricultural conservation easements shall be monitored in accordance with procedures and guidelines established by the Agricultural Preservation Board and strictly enforced by the township.

(Prior Code, Ch. XXXI, § 7) (Ord. passed 8-16-2004)

§ 154.08 AGRICULTURAL CONSERVATION EASEMENT PROVISIONS.

(A) Simultaneously with any conveyance of development rights under this chapter, an agricultural conservation easement, as drafted by the Township Board, shall be properly executed by any individual or entity having an interest in the subject property and recorded at the County Register of Deeds' office. It is the intent of this chapter that any easement so created shall perpetually protect the parcel's farmland and other eligible land by strictly precluding any activity which could impair or interfere with agricultural use of the farmland or impact the natural qualities of any other eligible land. Agricultural conservation easements created under this chapter shall run with the land and shall not be terminated, except as provided for expressly in this chapter or in any easement so created.

(B) Restrictions on that portion of the property included in agricultural conservation easements shall include, but not be limited to:

- (1) Property shall not be divided into parcels less than 40 acres in size;
- (2) Construction of residences for new owners of any divisions shall be prohibited;
- (3) Construction of any other buildings, unless intended for uses consistent with typical farming operations in the township, are prohibited;
- (4) Commercial or industrial activity inconsistent with typical farming operations in the township, shall be prohibited; and

(5) Excavation of topsoil, sand, gravel, rock, minerals or other materials which would impair or interfere with the agricultural values of the property or which would impair the natural values of other eligible land shall not be permitted without the prior approval of the Township Board or its designee.

(C) Permitted uses and development rights retained by the landowner in the land subject to the agricultural conservation easement shall include, but not be limited to, the following:

(1) Construction of buildings necessary for and consistent with agricultural uses;

(2) The right to construct one additional residence for an individual essential to the farm operation as defined in § 36110(5) of the Natural Resources and Environmental Protection Act, being M.C.L.A. § 324.36110(5). Such structures must be built in conformity with all applicable federal, state and local laws, ordinances and regulations;

(3) The right to maintain, renovate, add on to or replace existing structures. Such maintenance, renovations, additions and replacement structures must be in conformity with all applicable federal, state and local laws, ordinances and regulations; and

(4) The right to sell, mortgage, bequeath or donate the property; provided that, any such conveyance, encumbrance, devise or donation is made subject to the terms and restrictions set forth in the agricultural conservation easement.

(Prior Code, Ch. XXXI, § 8) (Ord. passed 8-16-2004)

§ 154.09 DURATION OF AGRICULTURAL CONSERVATION EASEMENTS.

(A) It is the intent of this chapter to preserve farmland through the establishment of permanent conservation easements. Therefore, agricultural conservation easements created pursuant to this chapter shall run with the land without regard to subsequent transfers of ownership in associated property. Development rights acquired pursuant to this chapter shall be held by the township in perpetuity, the single exception being when a court of competent jurisdiction has made the determination based on the doctrine of eminent domain, that the use of such development rights is necessary for a specific public interest, need or purpose.

(B) Based upon the determination of eminent domain by a court of competent jurisdiction that development rights held by the township must be purchased to serve a specific public interest, need or purpose, the township shall be paid either by the party or parties exercising eminent domain over such development rights or by the landowner. The purchaser shall pay to the township the current fair market value of the development rights at the time of the condemnation. Fair market value shall be calculated at the time of termination, either by a state-certified appraiser or by utilization of the points based appraisal set forth in § 154.10 of this chapter. If an appraiser selected can discern any actual or potential conflict of interest arising from his or her performance of an assigned appraisal, the appraiser shall, before undertaking work on the appraisal, disclose such actual or potential conflict of interest to the Township Board. In the event of an actual conflict of interest or an unacceptable potential conflict of interest, the Township Board shall select a different appraiser. A determination of the appropriate fair market value shall be made prior to termination of the applicable agricultural conservation easement. The value of the development rights shall be calculated as the difference between the current fair market value of the property which includes the value of its development rights and the current fair market value of the property based on its agricultural use under the existing agricultural conservation easement.

(C) The township shall deposit the proceeds from any development rights repurchase(s) made pursuant to the doctrine of eminent domain into the Farmland Preservation Fund, the proceeds of which shall be used to purchase additional development rights/agricultural conservation easements on additional farmland and other eligible land in the township.

(Prior Code, Ch. XXXI, § 9) (Ord. passed 8-16-2004)

§ 154.10 DETERMINING THE VALUE OF DEVELOPMENT RIGHTS/AGRICULTURAL CONSERVATION EASEMENTS.

(A) Prior to each application cycle, the Township Agricultural Preservation Board shall select which method it will utilize to determine the value of development rights/agricultural conservation easements. The Preservation Board shall utilize either the points-based appraisal method as set forth in Public Act 262 of 2000, being M.C.L.A. §§ 324.36201 et seq., or state certified appraisals. State certified appraisals shall calculate the value of development rights/agricultural conservation easements as the difference between the fair market value of properties with development rights intact and the value of properties for agricultural use with agricultural conservation easements in place. The Township Agricultural Preservation Board shall establish guidelines, consistent with state standards, for state certified appraisals. The appraisal formula shall establish a base value according to the parcel's size, soil characteristics and proximity to other protected farmland. The base value shall be increased if any parcel qualifies for a market value adjustment based on its location in the township and length of road frontage. In determining a market value adjustment, an average of actual vacant land sales in the township of parcels over 20 acres zoned for agricultural purposes during the prior three years shall be calculated. Parcels may also qualify for a premium based on

proximity to sewer and water as determined by formula established by the Township Agricultural Preservation Board. The Preservation Board shall review the points-based appraisal method at the end of each application cycle and compare the value of development rights/agricultural conservation easements with actual fair market sales in the township.

(B) A property owner may obtain an independent appraisal of the value of the development rights/agricultural conservation easement. Such independent appraisal shall be conducted by a state certified appraiser, shall be at the property owner's sole expense and shall be completed within the time period set by the Preservation Board. The appraisal shall calculate the value of the property with development rights intact and the value of the property for agricultural use with an agricultural conservation easement in place. Methods utilized by independent appraisals shall be consistent with those established in division (A) above.

(C) Subject to approval by the Township Board, the Agricultural Preservation Board shall set the purchase price for the development rights/agricultural conservation easement. If the property owner obtains an independent appraisal reflecting a different price, it is within the discretion of the Agricultural Preservation Board to renegotiate terms.

(D) The property owner may be paid in one cash payment, by installment payment or by a combination of both. Payment shall occur at the time of closing with the landowner, and shall be made by check from the township to the landowner or, in the alternative, shall be made as an installment purchase upon agreement of the terms of the installment purchase between the landowner and the township.

(Prior Code, Ch. XXXI, § 10) (Ord. passed 8-16-2004)

§ 154.11 OPERATING AND ADMINISTRATIVE COSTS.

(A) The costs of services ordered by the Township Board for the Farmland Preservation Program shall be paid from available Farmland Preservation Program funding sources in the township as well as state and federal matching funds. Such costs include, but are not limited to, expenses for appraising, engineering, surveying, planning, financing, legal fees, conducting environmental assessments, searching titles, developing baseline assessments and monitoring compliance with easement restrictions. The township shall not be responsible for any expenses incurred by property owners incidental to applications for purchase of development rights/agricultural conservation easements which the Township Agricultural Preservation Board has identified as the responsibility of property owners such as title searches, appraisals and land surveys.

(B) Division (A) above shall not preclude agreement by the township and the landowner to share such costs as engineering and surveying as an outcome of negotiation.

(Prior Code, Ch. XXXI, § 11) (Ord. passed 8-16-2004)

§ 154.12 FARMLAND PRESERVATION FUND.

(A) Available funding for the Township Preservation Program shall be deposited in a special Farmland Preservation Fund. Money in the Fund may be temporarily deposited with institutions or invested in obligations which are lawful for any other township deposit or investments. Revenue generated from such deposits and/or investments shall be used solely for the purposes of purchasing development rights/agricultural conservation easements, making payments under installment purchase contracts, promoting farmland preservation programs, paying costs of administering and enforcing the program or for any other purpose consistent with the intent of this chapter.

(B) In the event that funds become available from private sources or from state or federal agencies to pay a portion of the purchase price of development rights/agricultural conservation easements or to enlarge such purchases, the Agricultural Preservation Board is authorized by the Township Board to recommend specific uses of such funds consistent with the intent of this chapter.

(C) The Township Preservation Board, upon approval by the Township Board, may finance the Township Farmland Preservation Program through one or more of the following sources:

- (1) General appropriations by the township;
- (2) Proceeds from the sale of development rights by the township under § 154.09 of this chapter;
- (3) Grants;
- (4) Donations;
- (5) General Fund revenue;
- (6) Bonds or notes as permitted by law;
- (7) Special assessments as permitted by law; and/or
- (8) Other sources approved by the Township Board and permitted by law.

(Prior Code, Ch. XXXI, § 12) (Ord. passed 8-16-2004)

§ 154.13 AMENDMENTS.

Amendments to this chapter may be initiated by resolution of the Township Board or by the Agricultural Preservation Board or any interested person, or persons, by petition to the Township Board.

(Prior Code, Ch. XXXI, § 13) (Ord. passed 8-16-2004)

§ 154.14 EFFECTIVE DATE.

This chapter became effective on the date upon which notice of its adoption was published in a newspaper of general circulation in the township.

(Prior Code, Ch. XXXI, § 15) (Ord. passed 8-16-2004)

CHAPTER 155: LAND DIVISION

Section

- 155.01 Title
- 155.02 Purpose
- 155.03 Definitions
- 155.04 Prior approval requirements for land divisions
- 155.05 Application for land division approval
- 155.06 Procedure for review of application for land division approval
- 155.07 Standard for approval of land division
- 155.08 Allowances for approval of other land divisions
- 155.09 Consequences of non-compliance with land division approval requirements
- 155.10 Repeal
- 155.11 Effective date

- 155.99 Penalty

Cross-reference:

Subdivisions, see Ch. 156

§ 155.01 TITLE.

This chapter shall be known and cited as the “Hopkins Township Land Division Ordinance”.

(Prior Code, Ch. XXVI, § 1) (Ord. passed - -)

§ 155.02 PURPOSE.

The purpose of this chapter is to carry out the provisions of the State Land Division Act, M.C.L.A. §§ 560.101 et seq., (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, formerly known as the Subdivision Control Act), to prevent creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community and otherwise provide for the health, safety and welfare of the residents and property owners of the township by establishing reasonable standards for prior review and approval of land divisions within the township.

(Prior Code, Ch. XXVI, § 2) (Ord. passed - -)

§ 155.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A natural person, firm, association, partnership, cooperation or combination of any of them that holds an ownership interest in land whether recorded or not.

DIVIDED or DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year or of building development that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of §§ 108 and 109 of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.108 and 560.109, as amended).

EXEMPT SPLIT or EXEMPT DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent; provided, all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter quarter-section containing not less than 30 acres or a government lot containing not less than 30 acres.

(Prior Code, Ch. XXVI, § 3) (Ord. passed - -)

§ 155.04 PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISIONS.

Land in the township shall not be divided without the prior review and approval of the Township Assessor or other official designated by the Township Board, in accordance with this chapter and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended); provided that, the following shall be exempted from this requirement:

(A) A parcel proposed for subdivision through a recorded plat pursuant to Ch. 156 of this code of ordinances and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended);

(B) A lot in a recorded plat proposed to be divided in accordance with Ch. 156 of this code of ordinances and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended); and

(C) An exempt split, as defined in this chapter.

(Prior Code, Ch. XXVI, § 4) (Ord. passed - -)

§ 155.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the Township Clerk or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract or lease for more than one year or for building development:

- (A) A completed application form on such forms as may be provided by the township;
- (B) Proof of fee ownership of the land proposed to be divided;

(C) A tentative parcel map drawn to scale including an accurate legal description of each proposed division and showing the boundary lines, approximate dimensions and the accessibility of each division for automobile traffic and public utilities. The Township Board, or its designated agent delegated such authority by the Township Board, may waive the survey map requirement if it determines that the aforementioned tentative parcel map contains adequate information to approve a proposed land division considering the size, nature of the divisions and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all of the proposed divisions, however, shall at all times be required;

(D) Proof that all standards of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended) and this chapter have been met;

(E) The history and specifications of any previous divisions of land of which the proposed division was a part, sufficient to establish the parcel to be divided was lawfully in existence as of 3-31-1997, the effective date of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended);

(F) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full;

(G) If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer;

(H) Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under § 155.08 of this chapter, all divisions shall result in "buildable" area outside of unbuildable wetlands, floodplains and other areas where buildings are prohibited therefrom, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available) and maximum allowed area coverage of buildings and structures on the site; and

(I) The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended).

(Prior Code, Ch. XXVI, § 5) (Ord. passed - -; Ord. 2011-04, passed 5-9-2011)

§ 155.06 PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL.

(A) (1) Upon receipt of a land division application package, the Township Clerk or other official designated by the Township Board shall forthwith submit the same to the Township Assessor or other designated official for decision. The Township Assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare or disapprove the land division applied for within 45 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial.

(2) If the application package does not conform to this chapter's requirements and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended), the Assessor or other designee shall return the same to the applicant for completion and refilling in accordance with this chapter and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended).

(B) Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision, appeal the decision of the Township Board or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(C) A decision approving a land division is effective for 120 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds' office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.

(D) The Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(Prior Code, Ch. XXVI, § 6) (Ord. passed - -)

§ 155.07 STANDARD FOR APPROVAL OF LAND DIVISION.

A proposed land division shall be approved if the following criteria are met:

(A) All parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing building/structures;

(B) The proposed land division(s) comply with all requirements of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended) and this chapter;

(C) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this chapter. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels;

(D) The ratio of depth to width of a ten-acre or less parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements or non-buildable parcels created under § 155.08 of this chapter and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way

to the most remote boundary line point of the parcel from the point of commencement of the measurement. The permissible minimum width shall be as defined in the applicable zoning ordinance or, in the absence thereof, as specified in divisions (E)(1) and (E)(2) below; and

(E) In the absence of applicable zoning of other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

(1) Where accessibility is to be provided by a proposed new dedicated public road, proof that the County Road Commission or State Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith; and

(2) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the following.

(a) Where such private road or easement extends from a dedicated public road, or is serving or intended to serve more than one separate parcel, unit or ownership, it shall be not less than 66 feet in right-of-way width, 24 feet in improved roadbed width with at least three feet of improved shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than 7%, and if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.

(b) If accessibility is by a private road or easement, a document acceptable to the township shall be recorded with the County Register of Deeds and filed with the assessor or designee specifying the method of private financing of all maintenance, improvements and snow removal, the apportionment of these costs among those benefitted and the right of the township to assess such costs against those properties benefitted, plus a 25% administrative fee and to perform such improvements in the event of a failure of those benefitted to privately perform these duties for the health, safety and general welfare of the area.

(c) Any intersection between private and public roads shall contain a clear vision triangular area of not less than 25 feet along each right-of-way line as measured from the intersecting right-of-way lines.

(d) No private road or easement shall extend for more than 1,000 feet from a public road.

(e) No private road shall serve more than ten separate parcels.

(Prior Code, Ch. XXVI, § 7) (Ord. passed - -)

§ 155.08 ALLOWANCES FOR APPROVAL OF OTHER LAND DIVISIONS.

Notwithstanding disqualification from approval pursuant to this chapter, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this chapter may be approved in any of the following circumstances:

(A) Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, designated as "not buildable" in the township records and shall thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements and shall not be developed with any residential building;

(B) Where, in circumstances not covered by division (A) above, the Zoning Board of Appeals has, previous to this chapter, granted a variance from the lot; or

(C) Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this chapter and any applicable zoning ordinance or the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended).

(Prior Code, Ch. XXVI, § 8) (Ord. passed - -)

§ 155.09 CONSEQUENCES OF NON-COMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS.

Any parcel created in non-compliance with this chapter shall not be eligible for any building permits or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this chapter shall subject the violator to the penalties and enforcement actions set forth in § 155.10 of this chapter and as may otherwise be provided by law.

(Prior Code, Ch. XXVI, § 9) (Ord. passed - -)

§ 155.10 REPEAL.

All ordinances or parts of ordinances in conflict with this chapter are hereby repealed; except that, this chapter shall not be construed to repeal any provision in Ch. 150, 153 and 157 of this code of ordinances.

(Prior Code, Ch. XXVI, § 12) (Ord. passed - -)

§ 155.11 EFFECTIVE DATE.

This chapter took effect 30 days following its publication after adoption.

(Prior Code, Ch. XXVI, § 13) (Ord. passed - -)

§ 155.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not to exceed 90 days for both such fine and imprisonment. Any person who violates any of the provisions of this chapter shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

(Prior Code, Ch. XXVI, § 10) (Ord. passed - -)

CHAPTER 156: SUBDIVISIONS

Section

General Provisions

- 156.001 Short title
- 156.002 Purpose
- 156.003 Legal basis
- 156.004 Scope
- 156.005 Administration
- 156.006 Rules applying to text
- 156.007 Definitions
- 156.008 Enforcement
- 156.009 Effective date

Platting Procedure and Data Required

- 156.020 Sketch plan
- 156.021 Preliminary plat (two phases - tentative and final preliminary)
- 156.022 Final plats

Design Standards

- 156.035 Streets and roads
- 156.036 Intersections
- 156.037 Pedestrian ways
- 156.038 Easements
- 156.039 Blocks
- 156.040 Lots
- 156.041 Planting strips and reserve strips
- 156.042 Public sites and open spaces
- 156.043 Commercial and industrial developments

Improvements

- 156.055 Purpose
- 156.056 Responsibility for plans
- 156.057 Required improvements
- 156.058 Guarantee of completion of improvements required by the township
- 156.059 Inspection of public improvements

Variances

- 156.070 General
- 156.071 Planned unit development

- 156.999 Penalty

GENERAL PROVISIONS**§ 156.001 SHORT TITLE.**

This chapter shall be known and may be cited as the “Hopkins Township Subdivision Control Ordinance”.
(Prior Code, Ch. XXXIII, § 1.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.002 PURPOSE.

(A) The purpose of this chapter is to regulate and control the subdivision of land within the township in order to promote the safety, public health and general welfare of the township.

(B) Without limiting the generalities of the foregoing, this chapter is specifically designed to:

- (1) Provide for orderly growth and harmonious development of the township consistent with orderly growth policies;

(2) Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivision and public facilities;

(3) Achieve adequate provisions for water, drainage and sanitary facilities and other health requirements;

(4) Encourage the provision of recreational areas and facilities, school sites and other public facilities; and

(5) Provide procedures for the achievement of these purposes.

(Prior Code, Ch. XXXIII, § 1.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.003 LEGAL BASIS.

This chapter is enacted pursuant to the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended.

(Prior Code, Ch. XXXIII, § 1.3) (Ord. 2-2004, passed 8-9-2004)

§ 156.004 SCOPE.

This chapter shall not apply to land developments regulated under the provisions of Public Act 59 of 1978, being the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, of any lot or lots in a plat that has received either preliminary or final approval from the Township Board or to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this chapter, except in the case of any further division of lots located therein. This chapter shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the township is a party. Where this chapter is applicable and imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the township, the provisions of this chapter shall control.

(Prior Code, Ch. XXXIII, § 1.4) (Ord. 2-2004, passed 8-9-2004)

§ 156.005 ADMINISTRATION.

The approval provisions of this chapter shall be administered by the Township Board in accordance with the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended.

(Prior Code, Ch. XXXIII, § 1.5) (Ord. 2-2004, passed 8-9-2004)

§ 156.006 RULES APPLYING TO TEXT.

The following listed rules of construction apply to the text of this chapter.

(A) The particular shall control the general.

(B) The headings which title various articles and subsections and the statements of purpose are for convenience only and are not to be considered in any construction or interpretation of this chapter or as enlarging or restricting the terms and provisions of this chapter in any respect.

(C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

(D) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(E) The word “building” includes the word “structure”.

(F) A “building” or “structure” includes any part thereof.

(G) The word “person” includes a firm, association, partnership, joint venture, corporation or combination of any of them as well as a natural person.

(H) The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, “designed to be used” or “occupied”.

(I) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(J) The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, roads, streets, streams, creeks, rivers or other bodies of water.

(Prior Code, Ch. XXXIII, § 2.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

AS-BUILT PLANS. Revised construction plans in accordance with all approved changes made in the field.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

BOARD. The Township Board of Hopkins Township.

BUILDING LINE or **SETBACK LINE.** A line parallel to a public right-of-way or private street easement line, property line, shore of a lake, edge of a stream or river bank, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a street easement or right-of-way, property line, other public area, the shore of a lake or the edge of a stream or river bank.

CAPTION. The name by which the plat is legally and commonly known.

COMMERCIAL DEVELOPMENT. A planned commercial center providing building areas, parking areas, service areas, screen planting and widening, turning movement and safety lane roadway improvements.

COUNTY DRAIN COMMISSIONER. The Allegan County Drain Commissioner.

COUNTY HEALTH DEPARTMENT. The Allegan County Health Department.

COUNTY PLAT BOARD. The Allegan County Plat Board.

COUNTY ROAD COMMISSION. The Allegan County Road Commission.

CROSSWALKWAY or **PEDESTRIAN WALKWAYS.** Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

DEDICATION. The intentional appropriation of land by the owner to public use.

ENGINEER. Any person who is registered in the state as a "professional engineer".

FLOODPLAIN. That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected to occur once in 100 years for that area.

MASTER PLAN. The basic plan, as amended from time to time, adopted by the township pursuant to M.C.L.A. §§ 125.321 through 125.333, as amended. Such plan may include all or any part or parts of the elements described M.C.L.A. §§ 125.321 through 125.333, as amended and may include maps, plats, charts and descriptive, explanatory and other related matter.

GOVERNING BODY or **TOWNSHIP BOARD.** The Township Board of the Township of Hopkins.

GREENBELTS or **BUFFER PARKS (OPTIONAL).** A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

IMPROVEMENTS. Any structure, physical change or other undertaking incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.

INDUSTRIAL DEVELOPMENT. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movements, and safety lane roadway improvements, where necessary.

LOT. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat.

- (1) **LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines.
- (2) **LOT WIDTH.** The horizontal distance between the side lot lines measured at the setback line and at a right angle to the lot depth.

MAJOR THOROUGHFARE PLAN. The part of the Master Plan which describes the existing street system in the township and outlines future street planning needs.

MICHIGAN LAND DEVELOPMENT ACT. M.C.L.A. §§ 560.101 et seq.

OUTLOT. When included within the boundary of a recorded plat, an **OUTLOT** is a lot set aside for purposes other than a building site, park or other land dedicated for public use or reserved for private use.

PARCEL or **TRACT.** A continuous area or acreage of land which can be described as provided for in the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended.

PLANNED UNIT DEVELOPMENT. A land area to be planned, developed, operated and maintained according to an approved plan as a single entity and containing one or more residential clusters and one or more public, quasi-public, commercial or industrial areas in such ranges, ratios or relationships of non-residential to residential uses as specified by ordinance. (Also, see Ch. 157 of this code of ordinances.)

PLANNING COMMISSION. The Hopkins Township Planning Commission as established pursuant to Public Act 268 of 1959, as amended.

PLAT. A map or chart of a subdivision of land. The precise content and scope of various types of plats are described in §§ 156.020 through 156.022 of this chapter.

- (1) **FINAL PLAT.** A map of a subdivision of land made up in final form ready for approval and recording.
- (2) **PRELIMINARY PLAT.** A map showing the important features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- (3) **SKETCH PLAT.** An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

PROPRIETOR, SUBDIVIDER or **DEVELOPER.** A natural person, firm, association, partnership, joint venture, corporation or combination of any of them, which may hold any recorded ownership interest in land. The **PROPRIETOR** is also sometimes referred to as the **OWNER**.

PUBLIC OPEN SPACE. Land dedicated or reserved for use by the general public, including without limiting the generality of the foregoing, parks, parkways, recreation areas, school sites, community or public building sites, streets and highways, and public parking spaces.

PUBLIC UTILITY. Any person, firm, association, corporation, partnership, joint venture or municipal or other public authority or combination of any of them providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.

REPLAT. The process of changing the map, or plat changes, of the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlet within a recorded subdivision plat without changing the exterior boundaries of the outlet is not a **REPLAT**.

RIGHT-OF-WAY. A street, alley, thoroughfare, easement or strip of land used, or intended to be used, for pedestrian or vehicular access or other public purposed by the general public and not reserved for the exclusive right of any individual.

SIGHT DISTANCE. The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of three and three-fourths feet and an object height of six inches.

STREET or ROAD. A right-of-way which provided for vehicular and pedestrian access to abutting properties.

(1) **ARTERIAL STREET.** Those streets of considerable continuity which are used or may be used primarily for fast or heavy traffic. **ARTERIAL STREETS** may include major county and minor county primary roads as shown on the Township Thoroughfare Plan, as amended.

(2) **COLLECTOR STREET.** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments. **COLLECTOR STREETS** may include major county primary and minor primary roads as shown on the Township Thoroughfare Plan, as adopted.

(3) **CUL-DE-SAC.** A minor street of short length having one end terminated by a vehicular turn-around.

(4) **EXPRESSWAY.** Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections.

(5) **FREEWAY.** Those streets designed for high speed, high volume through traffic, with completely controlled access, no grade crossings and no private driveway connections.

(6) **MARGINAL ACCESS STREET.** A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

(7) **MINOR STREET.** A street which is intended primarily for access to abutting properties.

(8) **PARKWAY.** A street designed for non-commercial, pleasure oriented traffic moving at moderated speeds, between and through scenic areas and parks.

(9) **STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of streets.

SUBDIVIDE or SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or five or more parcels of land, each of which is ten acres or less in area are created by successive divisions within a period of ten years.

SURVEYOR. Either a land surveyor who is registered in the state as a registered land surveyor or a civil engineer who is registered in the state as a "registered professional engineer".

TOPOGRAPHICAL MAP. A map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

TOWNSHIP. The Township of Hopkins.

(Prior Code, Ch. XXXIII, § 2.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.008 ENFORCEMENT.

No plat required by this chapter or the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended, shall be admitted to the public land records of the county or received or recorded by the County Register of Deeds, until such plat has received final approval by the Township Board. No public board, agency, commission, official or other authority shall proceed with the construction of, or authorize the construction of, any of the public improvements required by this chapter (unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of this chapter) unless such public improvement shall comply in its location and in all other respects with the requirements of this chapter.

(Prior Code, Ch. XXXIII, § 7.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.009 EFFECTIVE DATE.

This chapter took immediate effect upon appearance of a notification of its adoption in the *Penasee Globe*. This chapter was published in the *Penasee Globe* on 8-16-2004.

(Prior Code, Ch. XXXIII, § 8.1) (Ord. 2-2004, passed 8-9-2004)

PLATTING PROCEDURE AND DATA REQUIRED

§ 156.020 SKETCH PLAN.

(A) **General.** A sketch plan may be submitted and a pre-application conference may be requested by the subdivider to provide guidelines for the subdivider concerning development policies of the township, to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission, and to provide the Planning Commission and other affected agencies with general information concerning the proposed development. Submittal and consideration of a sketch plan under this section shall not be considered as a request for plat approval, nor shall the time periods specified for formal application and review of a preliminary and final plat, as outlined in §§ 156.021 and 156.022 of this chapter apply. Acceptance of the sketch plan does not constitute or assure acceptance of the preliminary plat.

(B) **Requirements.** When a sketch plan is submitted, it shall contain at least the following data:

- (1) The outlines, intended layout, including stages, property owned or represented by the subdivider;
- (2) General layout of streets, blocks and lots in sketch form;
- (3) Existing conditions and characteristics of the land on, and adjacent to, the site such as significant topographical, floodplains and physical features;
- (4) Any general area set aside for parks and/or other community facilities;
- (5) Name of proposed plat, north point, approximate scale and date;

(6) Current proof of ownership of land to be platted or evidence of a contractual ability to acquire such land such as an option or purchase contract; and

(7) Documentation from the County Health Department indicating the suitability of the land for the operation of sanitary sewer systems including, but not limited to, septic systems located upon individual parcels.

(C) *Procedures.* The following procedure will be followed in the review of any sketch plan that is submitted.

(1) The subdivider shall submit two copies of the sketch plan to the Township Clerk at least ten days before the first meeting of the Planning Commission at which the sketch plan is to be considered.

(2) The Township Clerk shall promptly transmit all copies of the sketch plan to the Planning Commission.

(3) The Planning Commission shall review the sketch plan with the subdivider or his or her agent. In the event that the Planning Commission reasonably determines that other public agencies are affected, the Planning Commission may recommend that copies of the sketch plan be submitted by the subdivider to such other agencies for review.

(4) The Planning Commission may at this time inform the subdivider or his or her agent of the township's development policies and make appropriate comments and suggestions concerning the proposed development.

(5) The Planning Commission may inform the Township Board as part of the minutes, or in writing, of the results of its review of the sketch plan.

(Prior Code, Ch. XXXIII, § 3.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.021 PRELIMINARY PLAT (TWO PHASES - TENTATIVE AND FINAL PRELIMINARY).

(A) *General.* A preliminary plat and topographic map shall be prepared by the subdivider and submitted to the Township Clerk in accordance with the following requirements and in accordance with the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended.

(B) *Requirements.*

(1) Tentative and final preliminary plats shall be drawn to a scale of not more than 200 feet to one inch and may be an original drawing or reproduction. The preliminary plat and topographic map shall be combined on the same drawing.

(2) Unless specifically indicated, the following shall be clearly shown on both the tentative and final plat or submitted in a separate instrument with the final plat:

(a) The name of the proposed subdivision;

(b) Legal description of the area to be platted;

(c) Name, address and telephone number of the subdivider;

(d) The name, address and seal of the registered land surveyor or professional engineer who prepared the preliminary plat;

(e) Location of the subdivision, giving the numbers of section, township and range, and the name of the township and county;

(f) The name of abutting platted or site condominium subdivisions, if any;

(g) Statement of intended use of the proposed plat, such as: residential single-family, two-family and multiple housing; commercial; industrial; recreational; or agricultural. In addition, the preliminary plat shall show the proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry and other non-public uses, exclusive of single-family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses;

(h) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development;

(i) A location map showing the relationship of the proposed plat to the surrounding area;

(j) The land use and existing zoning of the proposed subdivision and the adjacent tracts including identification of zoning district, lot size and yard requirements as well as proof of any variances or special use permits;

(k) Streets, street names, right-of-way and roadway widths, including features such as adjoining plats, streets, streams, railroads, utilities, cemeteries, parks, county drains or any other features which may influence the street layout;

(l) Site data including total acreage, number and use of lots, average lot size, a statement of the lot area of the smallest lot in the subdivision and acreage in parks and other uses. Lot lines and dimensions to the nearest foot and the total number of lots and, for the final preliminary plat, the subdivider shall also submit a table listing the proposed lots by number and the respective lot area for each lot;

(m) Existing topography and the approximate extent of grading and the direction of drainage shall be shown. For the final preliminary plat existing and proposed grading illustrated by contours at five-foot intervals shall be shown where the slope is greater than 10% and at two-foot intervals where the slope is 10% or less;

(n) The final preliminary plat shall include a site report as described in the rules of the State Department of Public Health, as amended, shall be provided. If the proposed subdivision will not be served by public sewer and water systems, the location and depth of soil borings and the location of percolation test holes shall be shown;

(o) An indication of the proposed storm drainage improvements and the location(s) of proposed detention/retention ponds and a statement indicating the method or methods by which drainage, sewage disposal and water supply will be provided. Final preliminary plats shall indicate such facilities as approved by the County Drain Commission;

(p) Proposed/protective covenants and deed restrictions, or a written statement that none are proposed;

(q) Existing and proposed utility easements, showing location, width and purpose;

(r) Building setback lines showing the dimensions from all streets;

(s) North point, scale and date;

(t) Wooded areas and tree lines and when required by the Planning Commission as part of final preliminary plat, trees with a trunk of over nine inches in diameter;

(u) High water or floodplain elevations when the proposed plat abuts, includes or is adjacent to a stream, drain or other body of water for which the floodplain has been established; and

(v) For final preliminary plat review, an indication of the amount of soil material if any that may be removed and/or stockpiled on the site during the subdivision development process. If stockpiling is proposed, the location and duration of the stockpiles shall be indicated. Any removal of soil material off site is subject to review and approval under Ch. 157 of this code of ordinances and the township's Gravel and Other Mineral Mining Ordinance, Ord. 1-92.

(C) *Procedures (tentative and final preliminary).*

(1) The subdivider shall submit to the Township Clerk nine copies of the preliminary plat prepared on a topographic map at least 15 days before the first meeting of the Planning Commission at which the preliminary plat is to be considered.

(2) The Township Clerk shall promptly transmit a copy of the tentative preliminary plat to the Planning Commission for each of the members thereof.

(3) (a) The Township Clerk shall place the tentative preliminary plat on the agenda of the Planning Commission within 30 days of the filing date, at which time the Planning Commission shall consider the proposed preliminary plat.

(b) Prior to acting on a tentative preliminary plat, the Planning Commission shall hold a public hearing thereon. Notice of the time and place of the hearing will be mailed to the proprietor and to the owners of land immediately adjoining the land to be platted and to those within 300 feet of the proposed plat. The notice will be mailed in advance of the hearing and specify the place, time and date of the hearing. Such notice shall also be published in a newspaper of general circulation within the township not less than five days before the hearing.

(4) The Planning Commission shall review the preliminary plat and give its report and recommendation to the Township Board not more than 60 days after submission of the plat. This 60-day period may be extended by the subdivider withdrawing the plat application. If no action is taken within 60 days, the Planning Commission shall be deemed to have recommended approval of the preliminary plat.

(a) If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating additional information or changes required.

(b) If the preliminary plat does not meet all requirements, the Planning Commission shall so inform the developer by letter.

(5) The Township Board, within 90 days from the date of filing unless the time period for approval has been extended pursuant hereto, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the subdivider or set forth in writing its reasons for rejection and for tentative approval with conditions.

(a) The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission; provided, however, that, the Township Board can act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such report and recommendation within 60 days.

(b) Tentative approval shall guarantee for a period of one year that the general terms and conditions under which preliminary plat approval was granted will not be changed by the township and, further, shall confer upon the subdivider approval of lot sizes, lot orientation and street layout for a period of one year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

(c) Subsequent to tentative approval by the Township Board, the subdivider shall submit copies of the preliminary plat, as necessary, to the following authorities as provided in the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq.: County Road Commission (three copies); County Drain Commission (three copies); State Department of State Highways and Transportation (three copies); State Department of Environmental Quality (three copies); County Health Department (three copies); County Plat Board (three copies); and such public utilities as are serving the area (three copies each).

(6) Prior to final preliminary plat approval, the subdivider shall submit a copy of all of the approving authorities to the Township Clerk, certifying that all authorities as required in division (C)(1) above (Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq.) have reviewed and approved the preliminary plat. The subdivider shall also submit copies of the approved preliminary plat map to the Township Clerk after all necessary approvals have been secured. Complete engineering plans of all proposed improvements required under § 156.056 of this chapter shall also be required along with the pay of all required fees.

(7) The Township Board, after receipt of the necessary agency approvals of the preliminary plat, shall consider and review the preliminary plat at its next meeting or within 20 days from the date of submission of the approved copies and approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.

(a) Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

(b) Final approval of the preliminary plat by the Township Board shall be for a period of two years from the date of its approval. The Township Board may extend the two-year period if applied for and granted in writing, but only concerning the township's own requirements.

(c) No grading or tree removal or construction of improvements shall be commenced until the proprietor has received final approval of the preliminary plat by the township and has entered into the necessary agreements with the township and other agencies for construction of all required improvements and filed with the township such security as deemed appropriate by the township to ensure that all improvements will be completed in accordance with the approved plans. (Refer to §§ 156.058 and 156.059 of this chapter.)

(Prior Code, Ch. XXXIII, § 3.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.022 FINAL PLATS.

(A) *Requirements.*

(1) Final plats shall be prepared and submitted as provided in the Michigan Land Development Act, being M.C.L.A. §§ 560.101 through 560.293.

(2) A written request for approval and the recording fee shall accompany all final plats.

(3) The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.

(4) Three sets of as-built plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted to the township in order for the township, and other agencies, to make a determination as to the conformance of the improvements to state, county and township specifications and ordinances. (Refer to § 156.058 of this chapter.) The subdivider shall also submit copies of the final plat and construction plans, as required, to the County Drain Commissioner, the County Road Commission and the County Health Department for review and approval.

(5) The township may require such other information as shall be reasonably necessary to establish whether the proper parties have signed the plat.

(B) *Procedures.*

(1) The subdivider shall submit the final plat with as-built plans or other data where required to the Township Clerk. The plat shall be accompanied by a letter of approval from the County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.

(2) The Planning Commission shall examine the plat at its next regular meeting or within 30 days of receipt thereof for the plat's conformance to the provisions of the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., the provisions of this chapter, and the preliminary plat, as approved.

(a) The time for review and recommendations by the Planning Commission may be extended by withdrawal of the request for final plat approval by the subdivider and re-submission.

(b) If the Planning Commission recommends disapproval of the plat by the Township Board, it shall forward its written recommendation to the Township Board, together with a written report of its review of the plat, which report shall detail the reasons for recommending the disapproval and which may be incorporated within the minutes of the Planning Commission.

(c) If the Planning Commission recommends approval of the plat by the Township Board, it shall forward its written recommendation to the Township Board, together with a written report of its review of the plat, which may be incorporated within the minutes of the Township Board.

(3) The Township Board shall review the final plat and the report from the Planning Commission at its next regular meeting, or at a meeting to be called within 20 days of receipt of the final plat and report from the Planning Commission.

(a) The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall give the subdivider its reasons in writing which may be incorporated within the minutes of the Township Board.

(b) If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board.

(c) Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.

(d) Recording of the plat, however, shall not impose any duty upon the township, county or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area.

(Prior Code, Ch. XXXIII, § 3.3) (Ord. 2-2004, passed 8-9-2004)

DESIGN STANDARDS

§ 156.035 STREETS AND ROADS.

The provisions of this chapter shall be the minimum township requirements for streets, roads and intersections. In the event that any other public agencies having jurisdiction shall adopt any statutes, ordinances, rules or regulations imposing additional, different or more stringent requirements, the terms of such statutes, ordinances, rules or regulations shall govern.

(A) *Street location and arrangement.* When a street or transportation plan has been adopted, subdivision streets shall substantially conform to the adopted plan.

(B) *Minor street.* Such streets shall be so arranged as to discourage their use by through traffic.

(C) *Street continuation and extension.* The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

(D) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas. Stub streets are subject to the requirements of division (I) below and § 156.041 of this chapter.

(E) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients.

(F) *Alleys.* Alleys may not be permitted in areas of detached single- or two-family residences unless approved by the County Road Commission or as private access easements under the township's planned unit development zoning provisions. Dead-end alleys shall be prohibited.

(G) *Marginal access street.* Where a subdivision abuts or contains an arterial street, the Township Board may require:

(1) Marginal access streets approximately parallel to, and on each side of, the right-of-way; and

(2) Such other treatment as it deems reasonably necessary for the adequate protection of residential properties and to afford separation of through and local traffic such as planted buffer strips or the redesign of all or part of the street layout within the proposed plat.

(H) *Dead-end streets and single access subdivision.* Permanent dead-end streets are prohibited unless approved as a cul-de-sac by the Township Board and the County Road Commission. Single access subdivisions serving more than 75 residential lots are prohibited unless it can be shown to be temporary or that topography or subdivision shape precludes an additional access or indicates that a small increase in the number of lots served is warranted. Single-access commercial and industrial subdivisions shall be similarly discouraged. Approval of such shall take into consideration the length of looped utilities, alternative emergency access points, traffic volumes and the ability to adequately handle peak traffic flow with one access without negatively impacting adjoining streets

and properties. As a general rule, commercial and industrial subdivisions that are expected to generate more than 300 vehicle trips in the peak hour will be required to have more than one access point to a paved collector or primary street.

(I) *Cul-de-sac streets.* All temporary and permanent dead-end streets must be provided with cul-de-sacs (turnarounds) at their termini. Temporary turnarounds shall be provided at the termini of streets where a future extension is contemplated. Temporary turnarounds need not be a part of the dedicated right-of-way; however, easements must be furnished to the County Road Commission for their use. Cul-de-sacs shall have a minimum radius of 60 feet for residential plats and 75 feet minimum in commercial and industrial plats.

(J) *Half streets.* Half streets are prohibited, except where unusual circumstances make it essential to the reasonable development of a tract in conformance with the provisions of this chapter and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the County Road Commission.

(K) *Private streets.* Private streets and roads are prohibited.

(L) *Street rights-of-way and roadway widths.* Street and road rights-of-way and roadway widths shall conform to the Major Thoroughfare Plan of the township, if adopted and the rules of the County Road Commission and the State Department of State Highways and Transportation.

(M) *Street alignment; horizontal alignment.* Horizontal curves are to be used, as practical, at all changes in direction of the centerline of a continuous street. When street lines deflect from each other by more than ten degrees in alignment, the centerlines must be connected by a curve with a minimum radius of 350 feet of centerline radius. On local non-continuous residential streets, 90-degree curves are permissible.

(N) *Street names.* Street names may not duplicate any existing street name in the county, except where a new street is a continuation of an existing street of the same name. Any street name which is spelled differently, but sounds the same as an existing street name in the county is prohibited. All new streets shall be named as follows: streets with predominant north/south directions shall be named "Street" or "Roads"; streets with predominant east/west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path" or "Trail"; and cul-de-sacs shall be named "Circle", "Court", "Way" or "Place".

(O) *Outlots.* Outlots which are to become the right-of-way for future streets must be described as such on the plat.

(Prior Code, Ch. XXXIII, § 4.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.036 INTERSECTIONS.

(A) *Angle of intersection.* Streets shall intersect at 90 degrees or as closely thereto as practical. In no event shall the angle of an intersection be less than 80 degrees.

(B) *Sight triangles.* Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 125 feet from the center of the intersection. No fence, wall, embankment, structure, sign or planting is allowed to obstruct vision in this area.

(C) *Number of streets.* No more than two streets may meet at any one intersection.

(D) *"T" intersection.* "T" type intersections shall be used where practical at intersections of minor streets with any street.

(E) *Centerline offsets.* Slight jogs at intersections are to be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines must be offset by a distance of 125 feet or more.

(Prior Code, Ch. XXXIII, § 4.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.037 PEDESTRIAN WAYS.

(A) *Crosswalks.* Right-of-way for pedestrian crosswalks in the middle of long blocks shall be provided where necessary to obtain convenient pedestrian circulation to schools, parks, shopping areas or other activity centers. Such pedestrian right-of-way shall be at least ten feet wide and extend entirely through the block.

(B) *Sidewalks.* Sufficient right-of-way shall be provided so that five-foot wide sidewalks may be installed on both sides of all streets.

(Prior Code, Ch. XXXIII, § 4.3) (Ord. 2-2004, passed 8-9-2004)

§ 156.038 EASEMENTS.

(A) *Easement location.* Where practical, easements ten feet in width shall be provided along front property lines for utilities and also along rear or side lot lines when necessary. The total width shall not be less than six feet along each property line or a total of 12 feet for adjoining lots. The easement width may be six feet for lots abutting unplatted property.

(B) *Drainage.*

(1) Where a subdivision is traversed by a watercourse, drainage, channel, floodplain or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially with the lines of such watercourse or right-of-way to minimize flooding during periods of heavy rain.

(2) The subdivider shall provide drainage easements as required by the rules of the County Drain Commissioner.

(Prior Code, Ch. XXXIII, § 4.4) (Ord. 2-2004, passed 8-9-2004)

§ 156.039 BLOCKS.

(A) *Arrangements.* A block shall be designed to provide two tiers of lots, except in those cases where lots back onto an arterial street, natural feature or subdivision boundary.

(B) *Minimum length.* Blocks shall not be less than 500 feet long from center of street to center of street.

(C) *Maximum length.* The maximum length allowed for residential blocks shall be approximately 1,000 feet long from center of street to center of street.

(Prior Code, Ch. XXXIII, § 4.5) (Ord. 2-2004, passed 8-9-2004)

§ 156.040 LOTS.

(A) *Conform to zoning.* The lot width, depth, building setback line and area may not be less than the particular district requirements of Ch. 157 of this code of ordinances, as amended, except where outlots are provided for some permitted purpose.

(B) *Lot lines.* Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.

(C) *Width related to length.* The depth of a lot shall not exceed three times the width as measured at the building line.

(D) *Corner lots.* Corner lots shall have sufficient width so as to permit appropriate building setback from both streets or orientation to both streets is such that the requirements of § 156.036 of this chapter are met. Lots abutting a mid-block pedestrian crosswalk shall be treated as corner lots.

(E) *Uninhabitable areas.* Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the Planning Commission and Township Board, increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses such as parks or other open space or may be included in the developable lots provided that such area is not included within the minimum lot area requirements as specified by this chapter or in the zoning ordinance.

(F) *Back-up-lots.* Lots shall not back into such features as freeways, arterial streets, shopping centers or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least 20 feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas.

(G) *Double frontage lots.* Lots extending through a block and having frontage on two local streets is prohibited.

(H) *Lot frontage.* All lots shall front upon a publicly dedicated street. Variances may be permitted for approved planned unit developments.

(I) *Future arrangements.* Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be configured, where feasible, so as to allow for re-subdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever future re-subdividing or lot splitting is to be undertaken, the plan therefor shall first be approved by the Planning Commission prior to submission to the Township Board for approval pursuant to division (J) below.

(J) *Division of platted lots.*

(1) *Prohibition of division.* No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided unless such partition or division is first approved by the Township Board, which approval may include actions in the Circuit Court to amend, modify or vacate a plat or portion thereof.

(2) *Application for permission.* Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in a recorded plat shall first make application to the Township Board in writing on such application form or forms as shall be provided by the township. Such application shall be filed with the Township Clerk and shall include a detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land and a statement from the County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tank and wells.

(3) *Building permit.* No building permit shall be issued to any proprietor or his or her agent or any other person, firm, association or corporation with reference to the lot, outlot or other parcel of land which is to be divided unless the partition or division shall first have been approved by the Township Board.

(4) *Division resulting in smaller area.* A division or partition of a lot, outlot or other parcel of land which is not served by public sewer and public water systems and which results in the creation of a parcel or parcels containing a smaller area or width than is required by the Michigan Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293), as amended, and Ch. 157 of this code of ordinances, may be approved by the Township Board, in its discretion; provided, the parcel or parcels created by such division or partition which are smaller than said area and width requirements are contiguous with other lots or parcels owned by the proprietor which, when added to the parcels created by such division or partition, will comply with the area and width requirements of the Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293) and Ch. 157 of this code of ordinances, as amended. If approval of any such division or partition is granted pursuant to this section, then the parcel established by the division or partition and the contiguous lot or parcel of land required to meet said area and width requirements shall be considered as one building lot and parcel for all purposes.

(5) *Conditions.* In granting its approval for any such requested division or partition, the Township Board may condition its approval with such reasonable conditions as shall be deemed desirable by the Township Board and which are in accordance with the purposes of the Land Division Act, as amended, as the same are embodied in its preamble.

(K) *Division of unplatted parcel.* The partitioning or splitting of a parcel or tract of land in to division and splits meeting the requirements of §§ 108 and 109 of the Land Division Act (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293), as amended, is subject to the procedures and provisions of Ch. 155 of this code of ordinances.

(Prior Code, Ch. XXXIII, § 4.6) (Ord. 2-2004, passed 8-9-2004)

§ 156.041 PLANTING STRIPS AND RESERVE STRIPS.

(A) *Planting strips.* Planting strips may be required to be placed next to incompatible features such as highways, railroads, multi-family development, commercial or industrial uses where necessary or desirable to screen the view from single-family residential properties. Such screens shall be established within a landscape easement a minimum of 20 feet wide, and shall not be part of the normal roadway right-of-way or utility easement.

(B) *Reserve strips.*

(1) *Reserve strips - private.* Privately held reserve strips controlling access to streets shall be prohibited.

(2) *Reserve strips - public.* A one-foot reserve shall be required to be placed at the end of “stub” or “dead-end” streets which terminate at subdivision boundaries and between half streets. These reserves shall be deeded in fee simple to the County Road Commission for future street purposes.

(Prior Code, Ch. XXXIII, § 4.7) (Ord. 2-2004, passed 8-9-2004)

§ 156.042 PUBLIC SITES AND OPEN SPACES.

(A) *Public uses.* Suitable area for public park use may be dedicated to the public or reserved for public purchase. The Township Board may, at its option prior to approval of the final plat, accept or reject such dedication or reservation where it is determined by the Township Board to be in the best interest of the

township.

(B) *Natural features.* Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourse, historic spots and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

(Prior Code, Ch. XXXIII, § 4.8) (Ord. 2-2004, passed 8-9-2004)

§ 156.043 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.

For commercial or industrial modification, these subdivision design standards may be modified in accordance with §§ 156.070 and 156.071 of this chapter in the case of subdivisions specifically for commercial or industrial developments, including shopping districts, wholesaling areas and planned industrial parks. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and all such modifications shall be specifically approved by the Township Planning Commission and Township Board.

(Prior Code, Ch. XXXIII, § 4.9) (Ord. 2-2004, passed 8-9-2004)

IMPROVEMENTS

§ 156.055 PURPOSE.

The improvements described in this subchapter will be required to be constructed by the subdivider as conditions for final plat approval.

(Prior Code, Ch. XXXIII, § 5.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.056 RESPONSIBILITY FOR PLANS.

(A) *Construction plans.* It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered professional engineer or a registered land surveyor, a complete set of construction plans, including profiles, cross-section, specifications and other supporting data, for the hereinafter required streets, utilities, storm drainage and other facilities. Such construction plans shall be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the approving bodies listed in § 156.022 of this chapter and shall be prepared in accordance with the standards or specifications of the respective body.

(B) *Engineering plans.* Upon completion of the required improvements, one complete copy of as-built engineering plans for each required public improvement shall be filed with the Township Clerk. Other requirements and procedures in the submittal of final plats shall be as provided in § 156.022 of this chapter.

(C) *Modifications during construction.* All installations and construction shall conform to the approved engineering drawings. However, if the proprietor chooses to make minor modifications in design and/or specifications during construction, he or she shall make such changes at his or her own risk, without any assurance that the township or other public agency will accept the changed facility. It shall be the responsibility of the proprietor/subdivider to notify the appropriate agency of any changes in the approved drawings.

(D) *As-built drawings.* The proprietor/subdivider shall submit to the Township Board a copy of “as-built” engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor’s engineer. Similar drawings shall also be submitted of improvements installed under bond or letter of credit, after final plat approval.

(E) *Construction schedule.* The proprietor shall submit to the Township Board a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule shall meet the procedural requirements and inspection requirements and inspection needs of the township, county and state agencies.

(Prior Code, Ch. XXXIII, § 5.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.057 REQUIRED IMPROVEMENTS.

Every subdivider shall be required to install the following public and other improvements in accordance with the provisions of divisions (A) through (N) below.

(A) *Monuments.* Monuments shall be set in accordance with the Michigan Land Division Act of 1967, § 125, (Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293), as amended.

(B) *Streets, roads and alleys.* All streets, roads and alleys shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.

(C) *Curbs and gutters.* Curbs and gutters may be required and shall be constructed in accordance with the standards and specifications adopted by the County Road Commission.

(D) *Installation of public utilities.* All telephone, cablevision, gas and electrical utilities shall be installed underground and shall be contained within private easements shared for such purposes as required under § 156.038 of this chapter and as stipulated by the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., and the rules State Public Services Commission, as amended.

(E) *Driveways.* All driveway openings in curbs shall be as specified by the Department of State Highways and Transportation on state and federal roads and as specified by the County Road Commission for all other roads in the township.

(F) *Storm drainage.*

(1) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the County Drain Commissioner.

(2) Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the County Drain Commissioner.

(G) *Water supply system.* A water supply system shall be provided by one or more of the following alternatives:

(1) With respect to every new plat with an average density greater than one dwelling unit per acre, and every commercial/industrial plat within 2,640 feet of public water, a public water system shall be provided within the plat by the developer. The measurement of the 2,640 feet shall be made along the shortest route using street and other public right-of-way from any point of the proposed plat to the nearest public water main. The water system shall include valves, hydrants and other appurtenances and laterals to each buildable lot from the water line to the edge of the street right-of-way. This water system shall be designed and constructed in accordance with all requirements of the township, county and the state, and any requirements imposed by any contract which the township has for the operation and maintenance of its water system, including township policies concerning the pressure of system and the manner of connection. The plans and specifications for the water distribution shall be approved in writing by the township in advance of construction in:

- (a) If public water is adjacent to the plat, the water system provided shall be connected to the public water by the developer at the developer's sole expense;
- (b) If public water is within 1,320 feet from any point of the plat, then the developer shall pay 100% of the cost to extend the public water system to a connection point with the water system being constructed for the plat. The public water extension must be sized as reasonably required by the township. The township and the developer shall agree in writing to terms pertaining to the design, acquisition, construction and completion of this public water extension, reimbursement to the developer as other parties connect to this public water extension and other pertinent matters. After such extension is completed, the water system must be connected to the public water extension;
- (c) If public water is not adjacent to and is not required to be extended to the plat as provided in division (G)(1)(b) above, then the water system constructed within the plat may be capped in such reasonable manner as is satisfactory to the township. On-site individual well systems may be utilized as long as these wells comply completely with all requirements of the County Health Department, the state and its agencies and the township; and
- (d) If public water is not adjacent to the plat and is not going to be immediately extended to the plat as provided above, then the Township Board may, in its discretion, require the future imposition of a special assessment on the lands included within the plat to cover a fair share of the costs of extending water lines to the plat in the future. This agreement will be in such form as is necessary, in the reasonable opinion of the township, to effectuate the purposes of this provision.

(2) If the proposed plat is further than 2,640 feet away from an existing public water supply line, the water distribution system may, with approval of the Township Board after consultation with the Planning Commission, the Township Engineer and the County Health Department, be connected to a central well or wells to be provided by the subdivider. Such well or wells must be in conformance with all requirements of the county, the State Department of Public Health and the township. The township may, at its option, choose to operate and maintain such system; or, in the alternative, the township can delay assuming operation and maintenance of such system until a later date. At such time as water transmission lines are adjacent to the subdivision, use of the central water system must cease and terminate and connection shall be made forthwith to the water transmission lines. In each such instance, the developer shall execute a contract with the township agreeing to the imposition of a special assessment to cover the costs of constructing appropriate water system appurtenances within the plat to make such connection. This agreement will be in such form as is necessary, in the reasonable opinion of the township, to effectuate the purposes of this provision.

(H) *Sanitary sewer system.* A sanitary sewer system or septic tank shall be provided by one or more of the following alternatives.

(1) With respect to every new plat with an average density greater than one dwelling unit per acre, and every commercial/industrial plat within 2,640 feet of a public sewer, a sanitary sewer system shall provided within the plat by the developer. The measurement of the 2,640 feet shall be made along the shortest route using street and other public right-of-way from any point of the proposed plat to the nearest public sewer. The sanitary sewer system shall include lift stations and other appurtenances and laterals to each buildable lot from the sewer line to the edge of the street right-of-way. This sanitary sewer system shall be designed and constructed in accordance with all requirements of the township, county and the state, and any requirements imposed by any contract which the township has for the operation and maintenance of its sanitary sewer system or the treatment and disposal of its sewage, including township policies concerning the type of system and the manner of connection. The plans and specifications for the sanitary service system shall be approved in writing by the township in advance of construction.

- (a) If public sewer is adjacent to the plat, the sanitary sewer system provided shall be connected to the public sewer by the developer at the developer's sole expense.
- (b) If public sewer is within 1,320 feet from any point of the plat, then the developer shall pay 100% of the cost to extend the public sewer to a connection point with the sanitary sewer collector system being constructed for the plat. The public sewer extension must be sized as is reasonably required by the township. The township and the developer must enter into a contract on reasonable terms pertaining to the design, acquisition, construction and completion of this public sewer extension, reimbursement to the developer as other parties connect to this public sewer extension and other pertinent matters. After such extension is completed, the sanitary sewer system must be connected to the public sewer extension.
- (c) If public sewer is not adjacent to and is not required to be extended to the plat as provided in division (H)(1)(b) above, then the sanitary sewer system constructed within the plat may be capped in such reasonable manner as is satisfactory to the township. On-site sewage septic systems may be utilized as long as these systems comply completely with all requirements of County Health Department, the state and its agencies and the township.
- (d) If public sewer is not adjacent to the plat and is not going to be immediately extended to the plat as provided above, then the Township Board may, in its discretion, require that the developer execute an agreement with the township agreeing to the imposition of a special assessment on the lands included within the plat to cover a fair share of the costs of extending sanitary sewer lines to the plat. This contract must be in such form as is necessary, in the reasonable opinion of the township, to effectuate the purposes of this provision.

(2) Plats not located within 2,640 feet (measured as provided above) of a public sewer may be developed with on-site sewage septic systems as long as these systems comply completely with all requirements of the county and its agencies, the state and its agencies and the township. In each such instance, the developer must execute a contract with the township agreeing to the imposition of a special assessment to cover the costs of constructing appropriate sewer lines, lift stations and other sanitary sewer system appurtenances within the plat, as well as a fair share of the cost of extending public sewer to the serve the development. This contract must be in such form as shall be necessary, in the reasonable opinion of the township, to effectuate the purposes of this provision.

(I) *Street name signs.* Street name signs shall installed in the appropriate locations at each street intersection in accordance with the requirements of the County Road Commission.

(J) *Sidewalks and crosswalks.*

(1) Where the average width of lots, as measured at the building setback line, is 110 feet or less, sidewalks are required on one side of the street. Sidewalks are required on both sides of the street where the density of development and the expected traffic volume may present a hazard to the safety of pedestrians. Where the average width of lots, as measured at the building setback line, is over 100 feet, the requirement for sidewalks on one side may be waived by the township.

(2) Crosswalks, when required by § 156.037 of this chapter, must have easements at least ten feet in width and include a paved, bituminous or concrete walk at least five feet in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway.

(3) Sidewalks must be concrete and a minimum of five feet in width. Sidewalks and crosswalks must be constructed in accordances with the standards and specifications adopted by the County Road Commission.

(K) *Street lighting.* Street lights may be required to be installed every 500 feet and must be installed at all intersections in the subdivision. Street lights must comply with all applicable township ordinances as well as the requirements of the public utility providing such lighting.

(L) *Greenbelts.* Where it is generally necessary for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets, said greenbelts or landscaped screen plantings shall be provided.

(M) *Traffic-control signs.* Traffic-control signs and/or warning devices must be installed as determined necessary by the County Road Commission.

(N) *Street trees.* Street trees shall be provided as required by the Planning Commission, and as follows.

(1) *Species.* The trees should be species which are most resistant to damage and disease in this part of the country and which are not likely to cause interference with underground utilities, street lighting or street pavements. Oaks, honey locust and hard maples are examples of long-lived trees considered acceptable. The following are the common names of trees that are considered unacceptable:

- (a) Box Elder;
- (b) White Pine;
- (c) Tree of Heaven;
- (d) Mulberry;
- (e) Birch;
- (f) Black Walnut;
- (g) Catalpa;
- (h) Black Locust;
- (i) Russian Olive;
- (j) Hawthorn;
- (k) Female Ginkgo;
- (l) Horse Chestnut;
- (m) Osage Orange;
- (n) Hickory;
- (o) Silver Maple;
- (p) Cottonwood;
- (q) American Elm;
- (r) Poplar;
- (s) Aspen;
- (t) Siberian Elm;
- (u) Cherry;
- (v) Plum;
- (w) Slippery Elm;
- (x) Willow;
- (y) Red Elm; and
- (z) White Ash.

(2) *Location.* On each side of the street, shade trees are to be placed outside of the street right-of-way, at a distance no greater than 15 or less than 11 feet from the right-of-way line. Trees are to be placed so that there will be approximately ten feet between branch tips when the trees are fully grown. Approaches to buildings should be considered when locating trees.

(3) *Tree size.* Street trees shall be at least one and one half inches in diameter at the trunk when planted. Any tree which dies within two years after planting shall be replaced by the subdivider.

(4) *Number.* A minimum of one tree is to be planted for every 100 feet of frontage along both sides of each street or a minimum of one tree per interior lot and at least two trees for each corner lot.

(5) *Waivers.* Waivers from the above required number of trees may be granted upon the recommendation of the Building Inspector. Such waiver may be granted only if there are naturally occurring trees growing on the lot which, in the opinion of the Building Inspector, comply with these regulations and at the time of granting of an occupancy permit for the lot, are no longer in danger of damage or destruction due to construction activity.

(Prior Code, Ch. XXXIII, § 5.3) (Ord. 2-2004, passed 8-9-2004)

§ 156.058 GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED BY THE TOWNSHIP.

(A) *Guarantee arrangements, exceptions.* The construction of all improvements required by this chapter shall be completed by the subdivider and approved by the Township Board prior to final plat approval. In lieu of the actual installation and approval of all public improvements required by this chapter prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the County Road Commission, County Drain Commissioner or any other agency responsible for the operation and maintenance of the applicable public improvements, permit the subdivider to guarantee completion of such required improvements in one or a combination of the following arrangements. In each instance where the subdivider is to guarantee completion of required improvements, the township and the subdivider shall, based on approved final construction plans prepared and submitted by the subdivider, enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications and the nature of the financial guarantee of performance which is to be provided by the subdivider for each such improvement. The Township Board may, on recommendation from the Planning Commission, waive financial guarantees of the completion of required improvements in the case of sidewalks, street lights or street trees.

(B) *Types of guarantees.* Financial guarantees shall be provided as follows.

(1) *Performance or surety bond.*

(a) *Accrual.* The bond will accrue to the township and must cover the full cost of constructing and installing the specific public improvement and, were applicable, placing the specific public improvements in operation.

(b) *Amount.* The bond must be in an amount equal to the total estimated cost for completing construction and installation of the specific public improvement, including contingencies as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.

(c) *Term.* The term of the bond shall be for such period as shall be specified by the Township Board.

(d) *Bonding or surety company.* The bond must be written by a surety company authorized to do business in the state acceptable to the Township Board.

(2) *Cash deposit, certified check, negotiable bond or irrevocable bank letter of credits.*

(a) *Treasurer, escrow agent or trust company.* A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit, as approved by the Township Board, shall be deposited with the township. Such deposit must be made pursuant to a written escrow agreement between the subdivider and the township. The escrow agreement may provide that the deposit will be held by the Township Treasurer or, in the alternative, subject to approval by the Township Board, that the deposit be held by a state or national banking corporation.

(b) *Dollar value.* The cash deposit, certified check, negotiable bond or irrevocable bank letter of credit must be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board.

(c) *Term.* The deposit shall be retained by the Township Board for a period to be specified by the Township Board. The agreement between the township and the subdivider may provide that the amount of the bond provided pursuant to division (B)(1) above or the deposit provided pursuant to this division (B)(2) be progressively reduced as the specified public improvements are completed.

(3) *Penalty in case of failure to complete the construction of public improvements.* In the event the subdivider fails to complete a public improvement within the period of time specified in his or her agreement with the township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the township must provide that all costs and expenses incurred by the township in completing the public improvement shall be reimbursed from the bond or deposit provided pursuant to divisions (B)(1) or (B)(2) above.

(Prior Code, Ch. XXXIII, § 5.4) (Ord. 2-2004, passed 8-9-2004)

§ 156.059 INSPECTION OF PUBLIC IMPROVEMENTS.

(A) *Required improvements.* All improvements required by this chapter must be inspected by the township, except for improvements made under the jurisdiction of the County Road Commission, County Drain Commissioner or other public agencies in which case engineers or inspectors of each agency will make the necessary inspections. Where inspections are made by other agencies, the township shall obtain written reports of each such inspection.

(B) *Inspection schedules.* It is the responsibility of the proprietor to notify the township or other appropriate public agency when installations are ready for inspection. The proprietor must arrange with each agency involved in the subdivision a general schedule and timing of inspections before the preliminary plat is given final approval.

(C) *Inspection reports.* Reports of all inspection of required improvements shall be made by competent individuals designated by the Township Board.

(D) *Compliance with standards.* The proprietor bears the final responsibility for the installation and construction of all required improvements according to the provisions of this chapter and to the standards of the various public agencies.

(E) *Acceptance.* Approval of installation and construction does not constitute acceptance of the dedication of the improvement.

(F) *Inspection of improvements under construction.*

(1) Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the Township Board must be made to provide for checking or inspecting the constructing or installation of each improvement and its conformity to the approved plans. Inspectors authorized by the Township Board and other authorities must review construction of all required improvements on a regular basis. Inspection of underground improvements shall be made on a continuous basis. It is the responsibility of the improvements contractors to notify the appropriate township office in charge of sewer and water construction inspections at least three business days in advance for the continuous inspections of sanitary sewers, water mains and laterals, before the trenches are backfilled.

(2) No work covered by the bond will be accepted or bonds released until these inspections have been made and work found satisfactory.

(3) The agreement to install required public improvements shall also provide for the checking of improvement plans and continuous inspections of all improvements by the township and for costs of said services which shall be borne by the subdivider.

(G) *Penalty in case of failure to complete the construction of a public improvement.* In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed in accordance with the provisions of § 156.058 of this chapter.

(H) *Site cleanup.* The proprietor shall be responsible for removal of all equipment, material and general construction debris from the subdivision and from any lot, street or public way or property therein.

(Prior Code, Ch. XXXIII, § 5.5) (Ord. 2-2004, passed 8-9-2004)

VARIANCES

§ 156.070 GENERAL.

(A) The Township Board may, on written application from the subdivider and after receipt of a recommendation from the Planning Commission, grant a variance from the provisions or requirements of this chapter which are under the Board's control. A public hearing shall be held by the Planning Commission prior to making its recommendation to the Township Board. Notice of this hearing shall be given in the same manner as is provided in the Township Rural Zoning Act, Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended, with respect to the adoption or amendment of a township zoning ordinance. No variance shall be recommended by the Planning Commission or granted by the Township Board, unless there is a finding:

(1) There are such special circumstances or conditions affecting the property in question such that strict application of the provisions or requirements of this chapter would clearly be impracticable or unreasonable;

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the areas in which the subdivision is situated;

(3) The variance will not violate the provisions of the Michigan Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended; and

(4) The variance will not have the effect of nullifying the interest and purpose of this chapter and the Master Plan.

(B) After the completion of the public hearing, the Planning Commission shall make a written recommendation to the Township Board which shall include its findings and specific reasons for its recommendation. On receipt of such written recommendation, the Township Board shall act to either grant or deny the variance.

(Prior Code, Ch. XXXIII, § 6.1) (Ord. 2-2004, passed 8-9-2004)

§ 156.071 PLANNED UNIT DEVELOPMENT.

A subdivider may request a variation from certain provisions or requirements of this chapter in the case of a planned unit development. Such request must be considered in concert with a planned development zoning request made under the provisions of Ch. 157 of this code of ordinances. A planned unit development variance under this chapter may be considered and acted upon in the same manner as is provided in § 156.070 of this chapter, but must be precluded by an approved planned unit development plan as may be allowed under Ch. 157 of this code of ordinances.

(Prior Code, Ch. XXXIII, § 6.2) (Ord. 2-2004, passed 8-9-2004)

§ 156.999 PENALTY.

Penalties for failure to comply with the provisions of this chapter shall be as follows. Violation for any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 90 days, or both. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter or of the Michigan Land Division Act, being M.C.L.A. §§ 560.101 et seq., as amended.

(Prior Code, Ch. XXXIII, § 7.2) (Ord. 2-2004, passed 8-9-2004)

CHAPTER 157: ZONING

Section

General Provisions

- 157.001 Title
- 157.002 Purpose
- 157.003 Scope and interpretation
- 157.004 Legal basis
- 157.005 Definitions
- 157.006 Administrative liability
- 157.007 Conditional rezoning
- 157.008 Effective date

Mapped Districts

- 157.020 Zoned districts
- 157.021 Zoning map
- 157.022 Areas not included within a district

Provisions Applicable to All Zoning Districts

- 157.035 Effect of zoning
- 157.036 Restoration of unsafe building
- 157.037 Area, height and use conditions and exceptions
- 157.038 Essential service
- 157.039 Required yard or lot
- 157.040 Control of heat, glare, fumes, dust, noise, vibration and odors
- 157.041 Temporary uses or structures requiring Zoning Inspector authorization
- 157.042 Accessory uses
- 157.043 Accessory buildings
- 157.044 Principal building on a lot
- 157.045 Double frontage lots
- 157.046 Additional setbacks for structures adjacent to major streets
- 157.047 Governmental improvements
- 157.048 Health Department approval
- 157.049 Lake/riparian access
- 157.050 Boundary changes
- 157.051 Incidental camping on occupied residential properties
- 157.052 Camping on vacant properties
- 157.053 Home occupations

AG Agricultural District

- 157.065 Description and purpose
- 157.066 Use regulations
- 157.067 Height regulations
- 157.068 Area regulations
- 157.069 Minimum floor area
- 157.070 Intent and purpose
- 157.071 Permitted uses

R-1 Rural Estate District

- 157.085 Description and purposes
- 157.086 Use and regulations
- 157.087 Height regulations
- 157.088 Lot area
- 157.089 Minimum floor area
- 157.090 Intent and purpose
- 157.091 Permitted uses

R-1A Intermediate Estate District

- 157.105 Description and purpose
- 157.106 Use regulations
- 157.107 Height regulations
- 157.108 Area regulations
- 157.109 Minimum floor area

R-2 Low Density Residential District

- 157.120 Description and purpose
- 157.121 Use regulations
- 157.122 Height regulations
- 157.123 Area regulations
- 157.124 Minimum floor area

R-3 Medium Density Residential District

- 157.135 Description and purpose
- 157.136 Use regulations
- 157.137 Height regulations
- 157.138 Area regulations
- 157.139 Minimum floor area

C-1 Neighborhood Business District

- 157.150 Description and purpose
- 157.151 Use regulations
- 157.152 Required conditions
- 157.153 Height regulation
- 157.154 Area regulations

C-2 General Business District

- 157.165 Description and purpose
- 157.166 Use regulations
- 157.167 Special uses by permit
- 157.168 Height, area and yard requirements

I-1 Industrial District

- 157.180 Descriptions and purpose
- 157.181 Use regulations
- 157.182 Height regulations
- 157.183 Area regulations

Sign Regulations

- 157.195 Description and purpose
- 157.196 Definitions
- 157.197 Signs prohibited
- 157.198 Signs exempted
- 157.199 Non-conforming signs
- 157.200 Sign area
- 157.201 Sign regulations applicable to all zoning districts
- 157.202 Sign permits and application
- 157.203 Signs permitted within the Agricultural (AG) District
- 157.204 Signs permitted within the Rural Estate Residential District R-1
- 157.205 Signs permitted within Residential Districts R-1A, R-2, R-3
- 157.206 Signs permitted within Commercial Districts C-1 and C-2 and Industrial Districts I-1
- 157.207 Billboards

Mobile Homes

- 157.220 Mobile homes
- 157.221 Placement and use of mobile home
- 157.222 Additions to mobile homes
- 157.223 Construction, building permit; certificate of approval

157.224 Repeal

Planned Unit Development District (PUD)

157.235 Intent and purpose

157.236 Permitted uses

157.237 Use regulations

157.238 Procedure for application and pud administration

157.239 Additional provisions regarding PUDs

Parking and Loading Spaces

157.250 General

157.251 Joint use of facilities

157.252 Location of facilities

157.253 Size of parking space

157.254 Requirements for parking areas

157.255 Off-street loading spaces

Site Condominium Projects

157.270 Purpose and scope

157.271 Step 1 - review of preliminary plans by the Planning Commission

157.272 Planning Commission recommendation

157.273 Step 2 - review and approval of final plans by Township Board

157.274 Site condominium subdivision layout, design and required improvements

157.275 Contents of final site condominium project plans

157.276 Construction in compliance with approved final site condominium project plan

157.277 Commencement of construction; issuance of permits

157.278 Expandable or convertible condominium projects

157.279 Review and approval of changes to approved site condominium projects

157.280 Incorporation of approved provisions in master deed

157.281 Approval effective for one year

157.282 Exemption of existing project

157.283 Definitions

157.284 Effective date

Non-Conforming Uses, Buildings or Structures

157.300 Continuance of non-conforming uses, buildings or structures

157.301 Expansion

157.302 Restoration and repair

157.303 Change or discontinuance

157.304 Building or structure under construction on effective date of chapter

Site Plan Review

157.315 Intent and purpose

157.316 Uses requiring site plan approval

157.317 Application procedures

157.318 Preliminary plan review

157.319 Review of preliminary site plan

157.320 Final site plan review

157.321 Existing information

157.322 Proposed information

157.323 Review procedure

- 157.324 Township Board review of preliminary site plans for certain land uses
- 157.325 Standards for site plan review
- 157.326 Conditions of approval
- 157.327 Regulations
- 157.328 Performance guarantees
- 157.329 Changes to site plan
- 157.330 Enforcement
- 157.331 Appeals of preliminary site plan
- 157.332 Validity of final site plans

Special Use Permits

- 157.345 Intent and purpose
- 157.346 Special use classifications/review and approval authority
- 157.347 Procedures
- 157.348 Contents of application
- 157.349 General standards
- 157.350 Special uses on non-conforming parcels

Administration and Enforcement

- 157.365 Zoning administration
- 157.366 Zoning Inspector
- 157.367 Permits
- 157.368 Inspection of buildings and structures
- 157.369 Certificate of compliance

Board of Appeals

- 157.380 Creation
- 157.381 Powers and duties of the Board of Appeals
- 157.382 Compensation
- 157.383 Removal
- 157.384 Meetings; records
- 157.385 Procedure
- 157.386 Stay of proceedings
- 157.387 Conditions of approval
- 157.388 Time limit on variances
- 157.389 Variance permitted
- 157.390 Variances prohibited

Chapter Amendment

- 157.405 Initiation of amendments
- 157.406 Amendment petition procedure
- 157.407 Amendment procedure

Riparian Area Protection Overlay Zone

- 157.420 Intent and purpose
- 157.421 Applicability and administrative action
- 157.422 Overlay sub-areas: natural vegetation zones and transition zones: definition, intent and delineation
- 157.423 Development standards: natural vegetation zone
- 157.424 Development standards in the transition zone (15 feet landward of natural vegetation zone and contiguous wetlands)
- 157.425 Minimum lot sizes and principal structure setbacks

157.999 Penalty

Appendix A: Riparian Area Protection Zone

GENERAL PROVISIONS

§ 157.001 TITLE.

This chapter shall be known and may be cited as the “Hopkins Township Zoning Ordinance”.

(Prior Code, Ch. XV, § 1.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.002 PURPOSE.

(A) This chapter is based upon the Township General Development Plan and is designed:

- (1) To promote the public health, safety, morals and general welfare;
- (2) To encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
- (3) To avoid the overcrowding of population;
- (4) To provide adequate light and air;
- (5) To lessen congestion on the public roads and streets;
- (6) To reduce hazards to life and property;
- (7) To facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
- (8) To conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

(B) This chapter is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

(Prior Code, Ch. XV, § 2.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.003 SCOPE AND INTERPRETATION.

(A) This chapter shall be deemed an amendment to the existing Township Zoning Ordinance, which supersedes and replaces said existing Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this chapter are repealed as of the effective date of this chapter.

(B) This chapter shall not annul or in any way impair or interfere with existing private restrictions, placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the township is a party; provided, however, that, where this chapter imposes greater restrictions, limitations or requirements upon:

- (1) The use of buildings, structures or land;
- (2) The height of buildings or structures;
- (3) Lot coverage;
- (4) Lot area;
- (5) Yard or other open spaces; or
- (6) Any other use or utilization of land than are imposed or required by such existing private restrictions or restrictive covenants, the provisions of this chapter shall control.

(Prior Code, Ch. XV, § 2.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.004 LEGAL BASIS.

This chapter is enacted pursuant to Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended.

(Prior Code, Ch. XV, § 2.03) (Ord. 1977-1, passed 10-10-1977)

§ 157.005 DEFINITIONS.

(A) *Rules applying to text.* The following listed rules of construction apply to the text of this chapter.

- (1) The particular shall control the general.
- (2) With the exception of this chapter, the headings which title a chapter, section or division are for convenience only and are not to be considered in any construction or interpretation of this chapter or as enlarging or restricting the terms and provisions of this chapter in any respect.
- (3) The word “shall” is always mandatory and discretionary. The word “may” is permissive.
- (4) Unless the context clearly indicates to the contrary:
 - (a) Words used in the present tense shall include the future tense;

(b) Words used in the singular number shall include the plural number; and

(c) Words used in the plural number shall include the singular number.

(5) A “building” or “structure” includes any part thereof.

(6) The word “person” includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

(7) The words “used” or “occupied”, as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed to be used” or “occupied”.

(8) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

(Prior Code, Ch. XV, § 3.01)

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE OR STRUCTURE. A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

(Prior Code, Ch. XV, § 3.02)

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

(Prior Code, Ch. XV, § 3.03)

AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting or upholstering or vehicle steam cleaning and undercoating.

(Prior Code, Ch. XV, § 3.04)

AUTOMOBILE REPAIR - MINOR. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons’ capacity; provided, however, there is excluded any repair or work included in the definition of “Automobile Repair - Major”.

(Prior Code, Ch. XV, § 3.05)

BASEMENT. A portion of a building or a portion of a room, located wholly or partially below grade, but not including any part thereof not so located.

(Prior Code, Ch. XV, § 3.06)

BILLBOARDS and SIGNS.

(a) **BILLBOARD.** Any structure, including the wall of any building, on which lettered, figured or pictorial matter is displayed for advertising a business, service or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

(b) **BUSINESS SIGN.** Any structure, including the wall of any building on which lettered, figured or pictorial matter is displayed for advertising a business, service or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed or fabricated on such land.

(c) **IDENTIFYING SIGN.** Any structure on the same premises it identifies which serves only:

1. To tell the name or use of any public or semi-public building or recreation space, club, lodge, church or institution;
2. Only to tell the name - address of an apartment house, hotel or motels; or
3. Only to inform public as to the use of a parking lot.

(d) **NAME PLATE.** A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

(e) **REAL ESTATE SIGN.** Any temporary structure used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.

(Prior Code, Ch. XV, § 3.07)

BLUFF. The top of a steep bank rising from the ordinary high water mark on a lot or parcel.

BOAT or WATERCRAFT. Any vessel as defined in Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 et seq.; Public Act 58 of 1995, being M.C.L.A. §§ 324.70101 et seq.; and Public Act 102 of 1997, being M.C.L.A. §§ 125.1801 through 125.1812a, as amended.

(Prior Code, Ch. XV, § 3.07B)

BUILDING. Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls or other supports, which is used for the purpose of housing or storing of persons, animals or personal property or carrying on business activities or other similar uses.

(Prior Code, Ch. XV, § 3.08)

BUILDING HEIGHT. The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs and to the mean height level between eaves, ridge of gable, hip and gambrel roofs.

(Prior Code, Ch. XV, § 3.09)

BUILDING SETBACK. The measurement from the property line to the nearest point of the main wall of the building or structure. Steps may be located within the **BUILDING SETBACK**. Porches are considered as part of the building or structure and may not be located within **BUILDING SETBACK**.

(Prior Code, Ch. XV, § 3.10)

DEVELOPMENT. Any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

DWELLING. Any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

- (a) **DWELLING, MULTI-FAMILY.** A building designed for use and occupancy by three or more families.
- (b) **DWELLING, SINGLE-FAMILY.** A building designed for use and occupancy by one family only.
- (c) **DWELLING, TWO-FAMILY.** A building designed for use and occupancy by two families only.

(Prior Code, Ch. XV, § 3.12)

DWELLING UNIT. One room or suite of two or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

(Prior Code, Ch. XV, § 3.13)

EARTH CHANGE. An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

FAMILY. One or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that, unless all members are related by blood or marriage, no such **FAMILY** shall contain more than five persons.

(Prior Code, Ch. XV, § 3.14)

FILTERED VIEW. The maintenance or establishment of woody vegetation of sufficient density to screen development from the riparian feature, to provide for bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff and to provide cover to shade the water in a manner which still allows a partial view to the water feature.

FLOOR AREA. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement **FLOOR AREA** shall be included, except that part thereof which contains heating and cooling equipment and other basic utilities.

(Prior Code, Ch. XV, § 3.15)

FORESTRY or **NATURAL RESOURCES PROFESSIONAL.** A person certified by the Society of American Foresters and/or licensed by the State of Michigan and or otherwise recognized by the State of Michigan who is by reason of his or her knowledge of the natural sciences, mathematics and principles of forestry and natural sciences, acquired by education and practical experience is qualified to engage in the practice of forestry.

GROUP DAYCARE HOME. A private residence in which the operator permanently resides as a member of the household in which more than six, but not more than 12, minor children or adults with needs requiring assistance and supervision are given care and supervision for periods of less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. **GROUP DAYCARE HOME** includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

HOME OCCUPATION. A gainful occupation traditionally and customarily carried out in the home or on a residential premises solely by the residents as a use that is incidental to the use of the home and premises as a place of residence. A **HOME OCCUPATION** may be conducted entirely within a residential dwelling and/or attached or unattached garage accessory structure to the dwelling.

(Prior Code, Ch. XV, § 3.16)

JUNKYARD. A place where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods.

(Prior Code, Ch. XV, § 3.17)

KENNEL. Any land, building or structure where five or more adult cats and/or dogs are boarded for six months.

(Prior Code, Ch. XV, § 3.18)

LOT and LOT WIDTH.

(a) **LOT.** A parcel, tract or portion of land separated from other parcels or portions of land identified by description or for the purpose of taxation. A **LOT** is occupied or intended to be occupied by a principal building or a group or such buildings and accessory structures, or utilized for a principle use and accessory uses according to this chapter. In the case of a site condominium subdivision, a "site condominium building site" will be considered the equivalent of a **LOT** for the purpose of determining compliance with the applicable requirements of this chapter and with other applicable laws, ordinances or regulations.

(b) **LOT - CORNER.** Any lot having at least two contiguous sides abutting upon one or more streets, if the interior angle at the intersection of the two sides is less than 135 degrees. Any lot line along any street will be considered front lot line.

(c) **LOT - DOUBLE FRONTAGE.** Any lot including a corner lot, as defined herein, with two or more sides abutting on one or more streets. Any lot line along any street will be considered front lot line.

(d) **LOT AREA.** Lot area is the precise square footage or acreage of a lot and shall include any part of a public right-of-way.

(e) **LOT LINE.** The lines of ownership defining the limits of a parcel or lot.

1. **FRONT LOT LINE.** The lot line(s) that coincides with the street right-of-way.

2. **REAR LOT LINE.** The lot line(s) opposite to and most distant from the front lot line as designated for each lot; for irregularly shaped lots, the rear lot line will be determined by the Zoning Administrator.

3. **SIDE LOT LINES.** Any lot line other than a front or rear lot line as determined by the Zoning Administrator.

(Prior Code, Ch. XV, § 3.19)

MOBILE HOME. A structure, transportable in one or more sections which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. **MOBILE HOME** does not include a recreational vehicle.

(Prior Code, Ch. XV, § 3.20)

MOBILE HOME LOT. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

(Prior Code, Ch. XV, § 3.21)

MOBILE HOME PAD. The portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

(Prior Code, Ch. XV, § 3.22)

MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

(Prior Code, Ch. XV, § 3.23)

MOBILE HOME SUBDIVISION. A mobile home park; except that, the mobile home lots are subdivided, surveyed, recorded and sold in accordance with Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

(Prior Code, Ch. XV, § 3.24)

MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by automobile travelers. The term shall include any building groups designated as motor lodges, transient cabins or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

(Prior Code, Ch. XV, § 3.25)

MOTOR VEHICLE. Every vehicle which is self-propelled.

(Prior Code, Ch. XV, § 3.26)

MULTI-UNIT BOAT ACCESS SITE. A facility which extends into or over a lake, or provides dry-docking space, for mooring or docking of boats and watercraft for use by more than one family (as defined herein), parcel, lot, unit or apartment. A facility for the mooring or docking of a boat or boats owned and operated exclusively by one family (as defined herein), residing in one dwelling unit and which supports the docking or mooring of six or fewer vessels, shall not be included within the definition and meaning of **MULTI-UNIT BOAT ACCESS SITE** where the docking or mooring facility is property on which the dwelling is situated. Any situation involving multiple or divided ownership and interest in the riparian property or boat access site including, but not limited to, family trusts, corporations, condominium associations and co-ops is considered a **MULTI-UNIT BOAT ACCESS SITE** and shall be subject to the limitations and regulations for such facilities contained herein.

(Prior Code, Ch. XV, § 3.26B)

NON-CONFORMING USE. A use of buildings, structures or land which is lawful at the time of the adoption of this chapter, or on the effective date of an amendment to this chapter, but which does not conform with the provisions of this chapter or any amendment thereto.

(Prior Code, Ch. XV, § 3.27)

ORDINARY HIGH WATER MARK. The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. (See Appendix A at the end of this chapter). On an inland lake that has a level established by law, it means the high established level.

PARKING AREA, SPACE OR LOT. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. **PARKING AREA** shall include access drives within the actual parking area.

(Prior Code, Ch. XV, § 3.28)

PARKING BAY. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

(Prior Code, Ch. XV, § 3.29)

PIER. Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

(Prior Code, Ch. XV, § 3.30)

PLANNED UNIT DEVELOPMENT (PUD). A district established to provide flexibility in design for the development of larger tracts of land while affording maximum protection of the environment.

(Prior Code, Ch. XV, § 3.30A)

PLANNING COMMISSION. The Hopkins Township Planning Commission.

(Prior Code, Ch. XV, § 3.31)

PRINCIPAL OR MAIN USE. The primary or predominant use of a lot.

(Prior Code, Ch. XV, § 3.32)

PUBLIC ACCESS. A multi-boat access site operated by a governmental entity, including access from a public road authorized or implied by a governmental entity.

(Prior Code, Ch. XV, § 3.32B)

ROADSIDE MARKET STAND. A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

(Prior Code, Ch. XV, § 3.33)

SITE PLAN. A scale drawing that shows the locations and dimensions of existing and planned improvements upon a parcel of land, such as, but not limited to, buildings, driveways, parking area, landscaping, sidewalks, signs, sewage systems, water supply and drainage facilities as set forth in this chapter.

(Prior Code, Ch. XV, § 3.33A)

STREAM BANK. The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom.

STREET. A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except an alley.

(Prior Code, Ch. XV, § 3.34)

STRUCTURE. Any thing, except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

(Prior Code, Ch. XV, § 3.35)

TOURIST HOME. A building, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

(Prior Code, Ch. XV, § 3.36)

TOWNSHIP BOARD. The Hopkins Township Board.

(Prior Code, Ch. XV, § 3.37)

TOWNSHIP. Hopkins Township, Allegan County.

(Prior Code, Ch. XV, § 3.38)

TRAILER COACH PARK ACT. Public Act 243 of 1959, being M.C.L.A. §§ 125.1101 et seq. (repealed and replaced by Public Act 419 of 1976, being M.C.L.A. §§ 125.2301 et seq.).

(Prior Code, Ch. XV, § 3.39)

TRAVEL TRAILER. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational or vacation use.

(Prior Code, Ch. XV, § 3.40)

USABLE FLOOR AREA. The floor area of a dwelling exclusive of garages, porches, basement or utility area.

(Prior Code, Ch. XV, § 3.41)

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

(Prior Code, Ch. XV, § 3.42)

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

YARD. A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general level of the lot upward; provided, however, that, fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(Prior Code, Ch. XV, § 3.43)

YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the **FRONT YARD**.

(Prior Code, Ch. XV, § 3.44)

YARD - REAR. A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

(Prior Code, Ch. XV, § 3.45)

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required **SIDE YARD** shall be measured from the nearest point of the side lot line to the nearest part of the main building.

(Prior Code, Ch. XV, § 3.46)

ZONING ACT. Michigan Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended.

(Prior Code, Ch. XV, § 3.47)

ZONING INSPECTOR. The Hopkins Township Zoning Inspector.

(Prior Code, Ch. XV, § 3.48)

(Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981; Ord. 2001-1, passed 7-17-2001; Ord. 2005-1, passed 5-9-2005; Ord. passed - -2007; Ord. 2-2014, passed 8-11-2014)

§ 157.006 ADMINISTRATIVE LIABILITY.

No officer, agent, employee or member of the Planning Commission, Township Board or Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence of occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this chapter.

(Prior Code, Ch. XV, § 19.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.007 CONDITIONAL REZONING.

(A) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of § 161 of the Township Zoning Act, being M.C.L.A. § 125.3405 by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(B) *Application and offer of conditions.*

(1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

(2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

(3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

(5) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.

(6) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter.

(7) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.

(8) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board; provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(C) *Planning Commission review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in § 157.406 of this chapter, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that, any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(D) *Township Board review.* After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in § 157.406 of this chapter. Should the Township Board consider amendments to the proposed conditional rezoning advisable and, if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with § 11 of the Township Zoning Act, being M.C.L.A. § 125.3202, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

(E) *Approval.*

(1) If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

(2) The statement of conditions shall:

(a) Be in a form recordable with the Register of Deeds of the county in which the subject land is located or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the Township Board;

(b) Contain a legal description of the land to which it pertains;

(c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;

(d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined;

(e) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the Register of Deeds of the county in which the land referenced in the Statement of Conditions is located; and

(f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

(3) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Township Clerk shall maintain a listing of all lands rezoned with a statement of conditions.

(4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the Register of Deeds of the county in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.

(5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

(F) *Compliance with conditions.*

(1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.

(G) *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:

(1) It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

(2) The Township Board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(H) *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under division (G) above, then the land shall revert to its former zoning classification as set forth in M.C.L.A. § 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(I) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to division (H) above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the county in which the land is located a notice that the statement of conditions is no longer in effect.

(J) *Amendment of conditions.*

(1) During the time period for commencement of an approved development or use specified pursuant to division (G) above or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the statement of conditions.

(2) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.

(K) *Township right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Township Zoning Act, being M.C.L.A. §§ 125.3101 et seq.

(L) *Failure to offer conditions.* The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(M) *Planning Commission review.* In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

(1) Whether the rezoning is consistent with the policies and uses proposed for that area in the township's Master Land Use Plan;

(2) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

(3) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and

(4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(Prior Code, Ch. XIII) (Ord. 13-2007, passed - -2007)

§ 157.008 EFFECTIVE DATE.

This chapter was approved by the Township Board on 10-10-1977 and is ordered to take immediate effect.

(Prior Code, Ch. XV, § 19.03) (Ord. 1977-1, passed 10-10-1977)

MAPPED DISTRICTS

§ 157.020 ZONED DISTRICTS.

The township is hereby divided into the following zoning districts:

- (A) AG Agricultural District;
- (B) R-1 Rural Estate District;
- (C) R-1A Intermediate Estate District;
- (D) R-2 Low Density Residential District;
- (E) R-3 Medium Density Residential District;
- (F) C-1 Neighborhood Business District;
- (G) C-2 General Business District;
- (H) I-1 Industrial District; and
- (I) RAP Riparian Area Protection Overlay Zone.

(Prior Code, Ch. XV, § 4.01) (Ord. 1977-1, passed 10-10-1977; Ord. 1994-1, passed - -1994; Ord. passed - -2007)

§ 157.021 ZONING MAP.

(A) The locations and boundaries of the zoning districts are hereby established as shown on a map(s), the same may be amended from time to time, entitled “The Official Zoning Map of Hopkins Township, Allegan County, Michigan”, which shall be accessible to the public at the township office and is hereby incorporated into this chapter. The “Hopkins Township Zoning Map”, which is distributed with this chapter, constitutes only an unofficial reference guide and is not to be relied upon in determining the locations and boundaries of zoning districts.

(B) Where uncertainty exists as to the zoning classification of a particular property or the boundaries of zoning districts as shown on “The Official Zoning Map of Hopkins Township, Allegan County, Michigan”, the following rules of construction and interpretation shall apply.

- (1) Boundaries indicated as approximately following the centerlines of street, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (4) Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, as in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- (5) Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
- (6) Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this chapter or applicable amendment thereto.

(Prior Code, Ch. XV, § 4.02) (Ord. 1977-1, passed 10-10-1977; Ord. 1994-1, passed - -1994)

§ 157.022 AREAS NOT INCLUDED WITHIN A DISTRICT.

In every case where land has not been included within a district on the zoning map, such land shall be in the AG Zoning District.

(Prior Code, Ch. XV, § 4.03) (Ord. 1977-1, passed 10-10-1977)

PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS

§ 157.035 EFFECT OF ZONING.

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this chapter.

(Prior Code, Ch. XV, § 12.01) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.036 RESTORATION OF UNSAFE BUILDING.

Subject to the provisions of §§ 157.300 through 157.304 of this chapter, nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

(Prior Code, Ch. XV, § 12.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.037 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

(A) *Required area or space.* A lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its non-compliance with such minimum requirements.

(B) *Existing lots of record.* If a parcel in an agriculture or residential zoned district was platted or recorded with the register of deeds as of 10-10-1977 and does not comply with the area or width requirements of its zoning district, where two or more such non-compliance parcels are adjacent to each other and in common ownership, they shall be combined for zoning purposes so that they comply, as closely as possible, with the minimum requirements of this chapter.

(C) *Exceptions.* The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances and television and radio reception and transmission antennas and towers which do not exceed 50 feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

(Prior Code, Ch. XV, § 12.03) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.038 ESSENTIAL SERVICE.

(A) The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

(B) Notwithstanding the exceptions contained in division (A) above:

(1) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials; and

(2) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

(Prior Code, Ch. XV, § 12.04) (Ord. 1977-1, passed 10-10-1977)

§ 157.039 REQUIRED YARD OR LOT.

All lots, yards, parking areas or other spaces created after the effective date of this chapter shall comply with the minimum requirements of the zoning district in which they are located.

(Prior Code, Ch. XV, § 12.05) (Ord. 1977-1, passed 10-10-1977)

§ 157.040 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

(Prior Code, Ch. XV, § 12.06) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.041 TEMPORARY USES OR STRUCTURES REQUIRING ZONING INSPECTOR AUTHORIZATION.

(A) Upon application, the Zoning Inspector shall issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Inspector for four additional successive periods of six calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.

(B) Upon application, the Zoning Inspector shall issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Inspector for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

(Prior Code, Ch. XV, § 12.07) (Ord. 1977-1, passed 10-10-1977)

§ 157.042 ACCESSORY USES.

In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided, however, that, such accessory uses shall not involve the conduct of any business, trade or industry.

(A) The keeping of livestock and/or poultry in the following zoning districts shall be:

(1) Agriculture: conforms to "generally accepted agricultural and management practices" (GAAMPS);

(2) R-1 - Rural Estates: two for the first two acres, one for each additional; and

(3) R-1A - Intermediate District, when authorized as a special use by the Planning Commission:

(a) Zero for the first two acres;

(b) Two for the first three acres; and

(c) One for each additional acre.

(B) One unit of livestock equals 100 units of poultry.

(Prior Code, Ch. XV, § 12.08) (Ord. 1977-1, passed 10-10-1977; Ord. passed 1-5-2001; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

§ 157.043 ACCESSORY BUILDINGS.

(A) (1) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building.

(2) When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this chapter applicable to the permitted principal building.

(3) The architectural character of all accessory buildings shall be compatible and similar to the principal building.

(B) Detached accessory buildings shall not be located closer than five feet to the rear lot line or closer than 40 feet to the waters edge in the case of a waterfront lot (except that, pumphouses may be located within 40 feet of the waters edge if they do not exceed three feet in height) and shall not occupy more than 30% of any required rear yard space; they shall not be closer to any side lot line or front lot line than the principal building is permitted.

(C) The distance between a detached accessory building and any principal building shall not be less than ten feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

(D) A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this chapter if it is an accessory building and if it is not less than ten feet from the edge of the street.

(Prior Code, Ch. XV, § 12.09) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.044 PRINCIPAL BUILDING ON A LOT.

In the R-1, R-1A and R-2 Residential Zoning Districts, no more than one principal building shall be placed on a lot.

(Prior Code, Ch. XV, § 12.10) (Ord. 1977-1, passed 10-10-1977; Ord. 1997-0, passed -1997) Penalty, see § 157.999

§ 157.045 DOUBLE FRONTAGE LOTS.

Buildings on lots having frontage on two intersecting or non-intersecting streets shall comply with front yard requirements on both such streets.

(Prior Code, Ch. XV, § 12.11) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.046 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS.

Notwithstanding any other provision of this chapter, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the Township General Development Plan, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained:

(A) Major county primary: 100 feet; and

(B) Minor county primary: 80 feet.

(Prior Code, Ch. XV, § 12.13) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.047 GOVERNMENTAL IMPROVEMENTS.

The provisions of this chapter shall be applicable to and enforceable against the township itself and all other governmental agencies and units, federal, state or local.

(Prior Code, Ch. XV, § 12.15) (Ord. 1977-1, passed 10-10-1977)

§ 157.048 HEALTH DEPARTMENT APPROVAL.

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of the county.

(Prior Code, Ch. XV, § 12.16) (Ord. 1977-1, passed 10-10-1977)

§ 157.049 LAKE/RIPARIAN ACCESS.

(A) The following restrictions are intended to limit and regulate the number of users and types of uses of lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and water within the township. For the purpose of this section, a **LAKE** shall mean any natural or human-made body of water having a surface area greater than five acres and over which riparian access has been extended to more than one parcel, lot, unit or person.

(1) *Development parcels.* In all zoning districts, for any new lot supporting a single-family dwelling unit or any other form of residential development there shall be at least 75 feet of water frontage, as measured along the high water mark of the lake and each lot or parcel shall otherwise meet the minimum dimensional requirements for such lots in the zoning district in which it is located.

(2) *Access (keyhole) parcels.*

(a) In any zoning district where there is an existing parcel of record having water frontage of less than 75 feet, which by intent of the owner or by its dimensional or physical limitations will not support building development, such parcel or lot may not be used or conveyed as a riparian access parcel for not more than one other parcel, lot, unit or person.

(b) In any zoning district where there is an intent to create and use a new lot, parcel, easement or common area for the purpose of providing riparian rights by deeded access, the new lot, parcel, easement or common area shall have at least 75 lineal feet of water frontage and a depth of at least 100 feet. The number of parcels, lots, units or persons permitted to have deeded riparian access over the lot, parcel, easement or common area shall be one for the first 75 feet of water frontage, plus one additional lot, parcel, unit, apartment or person for each additional 75 feet of frontage that the access parcel has on the body of water.

(3) *Boat access.* In all zoning districts, where multiple unit residential development is permitted, any multiple-unit residential development shall have not more than one boat access for each 75 feet of water frontage, as measured along the normal high water mark of the lake.

(4) *Lake access and the like.* In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting a lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, non-residential or non-agricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located and is also approved as a special land use.

(5) *Easements and the like.* In addition to the above limitations, no easement, private park, common area, condominium arrangement, lake access device or lot or access property abutting or adjoining a lake shall be used to permit access to the lake for more than one single-family property, dwelling unit, condominium unit or apartment unit unless such use is also approved as a special land use.

(6) *Channels and canals.* No new channel or canal shall be created abutting, enlarging or tied into a lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut a lake and were lawfully in existence as of the date of enactment of this chapter may be cleaned and dredged, so long as they are not enlarged beyond their original dimensions.

(B) The restrictions of this section shall apply to all lots and parcels on or abutting any lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, common-fee ownership, condominium arrangement, license or lease.

(C) Although the owner of a property with frontage on a lake may permit family members and occasional invitees to use the water frontage, dock and watercraft owned by the owner as incidental to the residential use of the property, the owner shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property.

(D) The non-conforming use provisions of §§ 157.300 through 157.304 of this chapter shall be applicable to this section; except, the following shall be permissible notwithstanding the provisions hereof.

(1) Any lot of record having frontage on a body of water may have one dock even though the lot has less than 75 feet of frontage on the water. This section shall not be construed to prevent docks, even if docks have not been installed, where recorded vested rights were granted prior to the adoption of this chapter.

(2) Any easement, park, common area or access property having frontage on a body of water which lawfully exists as of the date of the adoption of the section may have one dock even though it has less than 75 feet of frontage on the water.

(3) If a given property, easement, park, common area or access property has a right to have a dock under this section or § 157.021 of this chapter, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.

(Prior Code, Ch. XV, § 12.17) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.050 BOUNDARY CHANGES.

(A) All boundary changes are subject to the provisions of § 157.039 of this chapter for the particular zoning district classification in which the parcels are located.

(B) Resulting parcels of any boundary change or lot line adjustment must comply with the minimum requirements codified in the zoning district in which they are located.

(C) All boundary changes or lot line adjustments must be by application to the Zoning Administrator and shall otherwise be in compliance with Ch. 155 of this code of ordinances, as amended.

(D) In the case of boundary or lot line adjustments, all parcels involved that have not been approved by the Zoning Administrator or person designated by the township and do not meet the minimum requirements of the zoning district in which they are located shall be considered not in compliance with the zoning ordinance. As a result, building permits and split requests shall not be granted until all parcels involved conform to the zoning district in which they are located.

(Prior Code, Ch. XV, § 12.17A) (Ord. 2008-5, passed 9-8-2008)

§ 157.051 INCIDENTAL CAMPING ON OCCUPIED RESIDENTIAL PROPERTIES.

Incidental camping or the occupancy or use of tents, motor homes or campers of occasional periods is permitted on occupied residential lots or parcels under the following conditions.

(A) Not more than four camping units consisting of any combination of tents, motor homes, travel trailers or campers shall be permitted on the lot or parcel at any given time.

(B) The camping activity shall be limited to the residents of the lot and to guests of the lot owner/resident.

(C) No period of occupancy may exceed 14 consecutive days. Unless the camping unit is owned or licensed by the property owner, the unit shall be removed from the premises after each period of permitted occupancy. Each period of use or permitted occupancy must be separated from the next by at least 14 days.

(D) All tents, campers and motor homes must be located in the rear or side yard, behind the line of the principle structure facing any street and at least 20 feet from all property lines.

(E) The camping unit shall not have fixed connections to electricity, water, gas or sanitary sewage.

(F) The above provisions shall not be construed to permit organized day camps or boarding camps for short visitation, wilderness campgrounds or any form of campground that is open to the public charging daily rates.

(Prior Code, Ch. XV, § 12.18) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.052 CAMPING ON VACANT PROPERTIES.

(A) *Camping on vacant, non-riparian properties.* Camping or the occupancy or use of tents, campers, motor homes or the storage thereof is prohibited on vacant, non-riparian lots or parcels of record within the AG, R-1, R-1A, R-2 or R-3 Districts, except under the following circumstances:

(1) The lot is adjacent to a lot or parcel on which there is an occupied dwelling and both lots are under the same ownership;

(2) The camping, use or storage is located within a campground as permitted and authorized under the provisions of this chapter; or

(3) On a vacant, non-riparian parcel or tract in excess of ten acres in size, camping is permitted under the following provisions except that camping is permitted without interruption during deer hunting seasons established by the state for any state-wide or special Zone 3 archery or firearm deer hunting season.

(a) Not more than four camping units consisting of any combination of tents, motor homes, travel trailers or campers shall be permitted on the lot or parcel at any given time.

(b) The camping activity shall be limited to the owner of the parcel and to guests of the parcel owner, without remittance.

(c) Camping is permitted without interruption during deer hunting seasons established by the state for any state-wide or special Zone 3 archery or firearm deer hunting season. During all other times of the year no period of occupancy may exceed 14 consecutive days. Unless the camping unit is owned or licensed by the property owner, the unit shall be removed from the premises after each period of permitted occupancy. Each period of use or permitted occupancy must be separated from the next by at least 14 days.

(d) All tents, campers and motor homes must be located behind the line of any nearby structures and at least 20 feet from all property lines.

(e) The camping unit shall not have fixed connections to electricity, water, gas or sanitary sewage.

(B) *Camping on vacant lots having frontage (riparian lands).*

(1) It is recognized that certain vacant riparian lots within the township have an intrinsic outdoor recreational quality and character that makes seasonal camping an attractive interim or alternative use for the lot. Care must be taken however, to ensure that any such allowed activity, whether temporary or permanent, would not diminish the character and value of adjacent and nearby single-family residential use home sites.

(2) Camping on vacant lots having lake frontage may therefore only be authorized subject to a site plan review by the Zoning Administrator. In such cases, and as approved by the Zoning Administrator, the Zoning Administrator shall limit the number, location and duration of camping and RV storage activity commensurate with the size and character of the site and the use and character of the surrounding residential lots and area.

(3) In reviewing an application to allow the use of a vacant lot for such use, the Zoning Administrator may not approve an activity that exceeds the limiting standards contained in § 157.051 of this chapter and shall consider the following in deciding whether to authorize the use permit:

(a) The number and location of proposed campsites or recreation vehicles on the site;

(b) The size, width and depth of the parcel lot or parcel;

(c) Setbacks and screening;

(d) The existence of nearby developed residential dwellings, the distances to adjacent developed home sites;

(e) Accessibility and parking constraints;

(f) Potential impacts on adjoining property values;

(g) The duration of the proposed camping activity;

(h) Whether or not the activity will entail the prolonged storage of recreation vehicles on the site and whether such storage would have a negative impact on adjoining properties; and

(i) The existence or non-existence of similar camping or storage activity on nearby non- riparian lots as permitted under division (B)(1) above.

(Prior Code, Ch. XV, § 12.19) (Ord. 1977-1, passed 10-10-1977; Ord. 2005-1, passed 5-9-2005; Ord. 2-2014, passed 8-11-2014) Penalty, see § 157.999

§ 157.053 HOME OCCUPATIONS.

(A) *Definition.* For purposes of this section, a **HOME OCCUPATION** is a gainful occupation traditionally and customarily carried out in the home or on a residential premises solely by the residents as a use that is incidental to the use of the home and premises as a place of residence. A home occupation may be conducted entirely within a residential dwelling and/or attached or unattached garage accessory structure to the dwelling.

(B) *Type A permitted home occupations.* The following home occupations are considered Type A home occupations and are allowed in the Agricultural, R-1, R-1A, R-2 and R-3 Zoning Districts by approval of the Zoning Administrator only in association with a dwelling and in accordance with this section.

(1) Architecture and interior design work;

(2) Beauty salons and barber shops;

(3) Bookkeeping, accounting and financial planning;

(4) Cabinet making and carpentry work;

(5) Computer programming and other computer-related work;

(6) Consulting and counseling services;

(7) Drafting and illustration services;

(8) Dressmaking, sewing and tailoring;

(9) Furniture upholstery;

(10) Home arts and crafts, including, but not limited to, rug weaving, quilting, pottery and ceramics, model making, woodworking, lapidary work and jewelry making;

(11) Musical instrument instruction, except that no instrument may be electronically amplified so as to be audible beyond the parcel of land where the use occurs;

(12) Office of minister, priest or other member of the clergy;

(13) Office of building contractor or building trades persons;

(14) Office of a sales person, sales representative or manufacturers' representative;

(15) Painting, sculpting and writing;

(16) Private tutoring;

- (17) Secretarial services;
- (18) Storage and distribution of direct sales products, such as home cleaning products, cosmetics, food containers or other such goods;
- (19) Television and other small appliance repair;
- (20) Telephone answering service and telephone solicitation work;
- (21) Travel booking service; and
- (22) Watch repair.

(C) *Conditions for Type A permitted home occupations.* The following conditions shall apply to all permitted Type A home occupations.

- (1) It shall be carried on only by the residents of the dwelling.
- (2) The use shall be clearly incidental, subordinate and secondary to the use of the dwelling and premises for residential purposes, and the appearance of the structures shall not be altered, nor shall the occupation be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or by the emission of sounds, vibrations or light.
- (3) Within all districts, one wall sign as defined by § 157.196 of this chapter, not exceeding four square feet may be used to identify home occupations therein.
- (4) The maximum floor area devoted to the home occupation shall be contained within or attached to the principal dwelling and limited to 25% of the gross floor area of the dwelling unit.
- (5) There shall be no selling of goods, merchandise, supplies or products, except on an occasional basis; provided that, orders previously made by telephone or at a sales event off the premises may be filled on the premises.
- (6) No storage or display shall be visible from outside the dwelling or an accessory building.
- (7) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- (8) There shall be no activity that would interfere with radio or television transmission in the area, nor shall be any significant offensive noise, vibrations, smoke, dust, odors and heat or glare noticeable at or beyond the property line.
- (9) As a result of Type A home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for residential use in the zoning district in which the use is located.
- (10) There shall be adequate off-street parking spaces. On-street parking, or parking within the street right-of-way, is prohibited.
- (11) Deliveries and shipments by commercial vehicles shall be on an occasional or incidental basis.
- (12) All permitted Type A home occupation businesses are subject to a compliance review with notice to owner by the Zoning Administrator. Reasons for review may include evidence of conducting business greater than the scope of permitted use provisions included within this section. If violations or evidence thereof is submitted to the Zoning Administrator or complaints, either verbal or written are submitted to the Zoning Administrator, the Administrator will notify the permit holder in writing. If reasonable evidence shows that the business exceeds the scope herein prescribed, the permit may be revoked and the holder will be required to seek a Type B home occupation special use permit as described in division (D) below.

(D) *Type B home occupations.* The following home occupations are considered Type B home occupations and may be allowed by special use in the Agricultural, R-1, R-1 A, R-2 and R-3 Zoning Districts by approval of the Planning Commission as a special use in accordance with §§ 157.345 through 157.350 of this chapter:

- (1) A home occupation involving the use of a detached accessory building and/or one that would exceed the floor area limitations for Type A home occupations. The size and placement of such accessory building shall be regulated by each zoning district;
- (2) A home occupation involving one or more non-resident workers and/or one involving workers using the site as a regular base of operation for work or service provided off-site. The Planning Commission may authorize additional associates, employees or assistants (who do not reside within the dwelling) where such persons by way of their activities and interaction on site would not cause traffic congestion or parking problems or otherwise materially change or impair the residential character of the neighborhood or lead to the creation of a spot business zone/site;
- (3) Gymnastics and dance instruction;
- (4) Bed and breakfast establishments;
- (5) Veterinarians' offices or clinics, if located on parcels at least three acres in size; and
- (6) Machine shop.

(E) *Conditions for approval.*

- (1) In considering any Type B home occupation for approval, the Planning Commission shall consider and make findings upon the following standards:
 - (a) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling;
 - (b) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming;
 - (c) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section; and
 - (d) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.
- (2) In approving any such land use, the Planning Commission may impose restrictions and limitations on the use, relating, but not limited to, in consideration of the following:
 - (a) Hours of operation;

- (b) The floor area of the use;
- (c) The area, height, bulk and location of any accessory building;
- (d) Whether the storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building;
- (e) The number of permitted associates, employees or assistants whether working on-site or performing duties principally located off-site;
- (f) The manner of storage or use of combustible toxic or hazardous materials on the premises;
- (g) Whether there will be any offensive noises, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there will be machinery or electrical activity that will interfere with nearby radio or television reception;
- (h) Effects on motor vehicle and/or pedestrian traffic;
- (i) The amount of off-street parking provided, and the location thereof;
- (j) An approved site plan per the discretion of the Zoning Administrator or Planning Commission; and
- (k) All Type B special use home occupation business permits are revocable, with notice to owner and after a show cause hearing by the Planning Commission.

(Ord. 2-2014, passed 8-11-2014) Penalty, see § 157.999

AG AGRICULTURAL DISTRICT

§ 157.065 DESCRIPTION AND PURPOSE.

This zoning district is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural or other agricultural activities.

(Prior Code, Ch. XV, § 5.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.066 USE REGULATIONS.

(A) Land, buildings and structures in this zoning district may be used for the following purposes only:

(1) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers; provided, such housing and its sanitary facilities are in conformance with all requirements of the County Health Department and/or any other federal, state or local regulating agency having jurisdiction;

- (2) Greenhouses, nurseries, orchards, vineyards, apiaries, chick hatcheries, blueberry and poultry farms;
- (3) Riding stables, where horses are boarded and/or rented;
- (4) Single-family dwellings, one per lot;
- (5) Kennels;
- (6) Roadside stands;
- (7) Publicly-owned athletic grounds, parks and cemeteries; and
- (8) Type A home occupations.

(B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:

- (1) Removal and processing of topsoil, sand, gravel or other such minerals;
- (2) Type B home occupations;
- (3) Veterinary clinics;
- (4) Commercial storage and retail sale of seed, feed, fertilizer and other products essential to agricultural production;
- (5) Blacksmith shops;
- (6) General repair of farm vehicles, machinery and equipment;
- (7) Facilities used in the research and testing of farm products and techniques;
- (8) Farm amusement businesses such as petting farms or hay rides if done in conjunction with a special event such as Halloween which may generate a large amount of traffic and other similar businesses if conducted as an accessory use to the farm;
- (9) Agricultural/rural enterprises when conducted such as a supplemental business to an immediately adjacent farm. Such businesses shall have a rural or "country" architectural style or theme and may sell farm products produced on-site, as well as other farm-related products from off of the site. Products from off-site shall consist of not more than 25% of the total product inventory. Such businesses may operate on a year-around basis and are not considered seasonal farm market stands; and
- (10) Licensed adult or child daycare for seven to 12 unrelated individuals.

(C) Mobile homes as a temporary use when authorized by the Planning Commission:

- (1) The Planning Commission may authorize the Zoning Inspector to issue a temporary use permit for a mobile home for a period of one year in the Agricultural District zoning classification; provided, the following conditions are found to exist:
 - (a) The mobile home is connected to an approved water well and septic tank system;
 - (b) All yard and setback requirements of the Agricultural Zone are met;

(c) The mobile home has at least 650 square feet of usable floor area; and

(d) At least one of the following conditions are also found to exist:

1. The mobile home is to be occupied by a member of the immediate family or an employee whose income is derived from the farm where the mobile home is to be located, as long as there are no more than two mobile homes per farm; and

2. The mobile home is to be used by a disabled, infirm or otherwise dependent member of the property owner's family.

(2) In considering the authorization of the temporary use permit for a mobile home, the Township Planning Commission shall consider the following standards in addition to those provided for elsewhere in this chapter for the issuance of special use permits:

(a) The locations of the proposed mobile home in respect to whether it would interfere or substantially hinder any existing or potential future farming operations or activity within the immediate area;

(b) The present and future ability of the township, county and school district to provide adequate vehicular access, schools, public safety and other necessary public services;

(c) The effect of the mobile home on the surrounding neighborhood and adjacent properties;

(d) The nature of the surrounding neighborhood;

(e) Mobile homes permitted as temporary uses pursuant to this section shall be installed according to the manufacturer's setup instructions, and the minimum requirements for installation promulgated by the State Mobile Home Commission. All such dwellings shall be secured to the premises by an anchoring system or device compatible with those required by the State Mobile Home Commission for mobile homes. A mobile home allowed as a temporary use shall not be required to comply with § 157.221 of this chapter, except that the underside or chassis and towing mechanism of said home shall be completely enclosed by skirting constructed and installed according to the minimum standards promulgated by the State Mobile Home Commission; and

(f) The Zoning Inspector may renew the temporary use permit for a mobile home for two additional one-year periods upon determining at the expiration of each period that the same factors considered by the Planning Commission in granting the initial temporary use permit still exist.

(Prior Code, Ch. XV, § 5.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2008-4, passed 9-8-2008; Ord. 2012-1, passed 11-5-2012; Ord. 2-2014, passed 8-11-2014)

§ 157.067 HEIGHT REGULATIONS.

No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

(Prior Code, Ch. XV, § 5.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.068 AREA REGULATIONS.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

(A) *Front yard.* There shall be a front yard of not less than 50 feet as measured from the road right of way for parcels that are a minimum of 1.25 acres and a maximum of two acres except as provided in § 157.046. For all other parcels there shall be a front yard of not less than 50 feet or nor more than 100 feet from the road right of way, unless the proposed location of a dwelling that is more than 100 feet from the road right away is positioned on a parcel to meet the following conditions:

(1) The dwelling location will protect existing tillable farm land as determined by the Zoning Administrator.

(2) All new driveways shall be located and constructed along property lines and or existing natural features such as drainage ditches and wood lines in order to protect tillable farm land.

(B) *Side yard.*

(1) For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that, no side yard shall be less than 20 feet.

(2) For all other buildings, there shall be two side yards of not less than 50 feet each.

(C) *Rear yard.* There shall be a rear yard of not less than 50 feet.

(D) *Lot area.* The minimum lot area and width for all uses in this district, except as provided herein, shall be 38 acres and 330 feet, respectively.

(Prior Code, Ch. XV, § 5.04) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2011-2, passed 3-14-2011; Ord. 2011-3, passed 5-9-2011; Ord. 2015-7, passed 9-14-2015) Penalty, see § 157.999

§ 157.069 MINIMUM FLOOR AREA.

Each dwelling unit, unless specified elsewhere, shall have a minimum of 900 square feet of usable floor area on the main or ground floor.

(Prior Code, Ch. XV, § 5.05) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012) Penalty, see § 157.999

§ 157.070 INTENT AND PURPOSE.

To allow a predetermined number of lots to reduce the loss of agricultural land.

(Prior Code, Ch. XV, § 5.07) (Ord. 1977-1, passed 10-10-1977)

§ 157.071 PERMITTED USES.

Parcels smaller than those required under § 157.088(D) of this chapter shall be permitted if in conformance with all the following standards.

(A) The total number of new lots created shall not exceed in whole number, that derived by dividing the total parcel acreage prior to the division (i.e., the parent parcel) by 20 acres. (For example, if the parent parcel is 84.6 acres, divided by 20 equals 4.23, thus four parcels could be created from an 84.6 acre parcel if all the other requirements of this section are met.)

(B) Each new lot created shall:

- (1) Be not less than one and one-fourth acres or greater than two acres;
- (2) Have at least 220 feet of frontage on the same public road serving the parcel from which the new lot was created;
- (3) Have a width-to-depth ratio of not more than 1:4;
- (4) Be in compliance with the applicable provisions of the Michigan Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended;
- (5) Be connected to a public water and sewer service, or be served by water and septic or sewer systems approved by the County Health Department;
- (6) Be suitable to meet the requirements for a driveway permit from the County Road Commission as indicated by proper entity; and
- (7) Not result in the parcel from which the new lot is being created (i.e., the parent parcel) from falling below 38 acres in size and/or having less than 330 feet of frontage of the public road from which the new lot was created.

(C) Each application for the creation of lots under this section shall be processed as follows.

- (1) The Zoning Administrator and Township Supervisor shall jointly review each application.
- (2) All applications meeting all the standards of this section as jointly agreed by the Zoning Administrator and Township Supervisor shall be approved. All applications which fail to meet the standards of this section in the opinion of both the Zoning Administrator and Township Supervisor shall be denied. All applications that do not meet one or more of the standards in this section in the opinion of either the Zoning Administrator or the Township Supervisor, but not both, shall be referred to the Planning Commission, whose decision shall be final.

(D) In reviewing each application to create lots under this section, the Zoning Administrator and Township Supervisor shall ensure:

- (1) Newly created lots do not consist of the best quality agricultural soils on the parent parcel unless, due to practical problems of access, there are no other locations available;
- (2) The size and shape of each new lot is adequate for permitted principal and accessory buildings;
- (3) The erections of a dwelling and permitted accessory structures on each new proposed lot would not have a negative effect on existing or foreseeable agricultural operations on the remainder of the parent parcel or on adjoining parcels (see especially § 157.042 of this chapter);
- (4) The erection of a dwelling and permitted accessory structures on each new proposed lot would not have a negative effect on adjoining properties or the surrounding neighborhood;
- (5) The proposed new lots are located in a manner which permits governmental agencies to efficiently provide necessary public services for the present and foreseeable future;
- (6) That if there are existing buildings on the property and a larger lot than permitted in division (B)(1) above is necessary to meet required setbacks in this district, such larger lot is permitted; provided, it is the minimum practically necessary to accommodate the existing buildings while meeting other applicable standards of this chapter; and
- (7) All the standards of this section are met by so documenting on forms accompanying each application.

(E) The township shall apply the following procedures in administering this section.

- (1) Concurrent with the adoption of this section, an official map indicating existing lots and land ownership shall be established.
- (2) An allotment of lots possible under this section shall be made for each parcel in the district.
- (3) As allotments are used up by approval of lots under this section, the official map shall be updated to reflect these changes.
- (4) The official map shall be maintained by the Township Clerk and copies made available for inspection by the public.

(Prior Code, Ch. XV, § 5.08) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2011-2, passed 3-14-2011; Ord. 2011-3, passed 5-9-2011)

R-1 RURAL ESTATE DISTRICT

§ 157.085 DESCRIPTION AND PURPOSES.

This zoning district is intended for large rural residential estates and farming.

(Prior Code, Ch. XV, § 6.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.086 USE AND REGULATIONS.

(A) Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms. Temporary housing for migratory workers is prohibited;
- (2) Greenhouses, nurseries, orchards, vineyards or blueberry farms;
- (3) Single-family dwellings;
- (4) Type A home occupations by Zoning Administrator approval, as defined in § 157.053 of this chapter;

- (5) Roadside stands; and
 - (6) Publicly-owned athletic grounds, parks and cemeteries.
- (B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:
- (1) Type B home occupations;
 - (2) Removal and processing of top soil, sand, gravel or other such minerals;
 - (3) Kennels;
 - (4) Mobile homes as temporary use; and
 - (5) Child or adult daycare for seven to 12 non-related individuals.

(Prior Code, Ch. XV, § 6.02) (Ord. 1977-1, passed 10-10-1977; Ord. 1992-3, passed - -1992; Ord. 2001-1, passed 7-17-2001; Ord. 2-2014, passed 8-11-2014)

§ 157.087 HEIGHT REGULATIONS.

No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

(Prior Code, Ch. XV, § 6.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.088 LOT AREA.

No building or structure, nor any enlargement thereof, shall be hereafter erected, except in conformance with the following yard, lot area and building requirements.

- (A) *Front yard.* There shall be a front yard of not less than 50 feet from road right-of-way, except as provided in § 157.046 of this chapter.
- (B) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that, no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 50 feet each.
- (C) *Rear yard.* There shall be a rear yard of not less than 50 feet.
- (D) *Lot area.* The minimum lot area and width for all uses in this district, except as provided herein, shall be ten acres and 330 feet, respectively.

(Prior Code, Ch. XV, § 6.04) (Ord. 1977-1, passed 10-10-1977; Ord. 1992-2, passed - -1992; Ord. 2001-1, passed 7-17-2001) Penalty, see § 157.999

§ 157.089 MINIMUM FLOOR AREA.

Each dwelling unit, unless specified elsewhere, shall have a minimum of 900 square feet of usable floor area on the main or ground floor.

(Prior Code, Ch. XV, § 6.05) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

§ 157.090 INTENT AND PURPOSE.

To allow a predetermined number of lots to reduce the loss of agricultural land.

(Prior Code, Ch. XV, § 6.07) (Ord. 1977-1, passed 10-10-1977)

§ 157.091 PERMITTED USES.

Parcels smaller than those required under § 157.088(D) of this chapter shall be permitted if in conformance with all the following standards.

- (A) The total number of new lots created shall not exceed in whole number, that derived by dividing the total parcel acreage prior to the division (i.e., the parent parcel) by ten acres. (For example, if the parent parcel is 24.6 acres, divided by ten, equals 2.46, thus two parcels could be created from a 24.6-acre parcel if all the other requirements of this division (A) are met.)
- (B) Each new lot created shall:
 - (1) Be not less than one and one-fourth acres nor greater than two acres;
 - (2) Have at least 220 feet of frontage on the same public road serving the parcel which the new lot was created;
 - (3) Have a width-to-depth ratio of not more than 1:4;
 - (4) Be in compliance with the applicable provisions of the Land Division Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended;
 - (5) Be connected to public water and sewer service, or be served by water and septic or sewer systems approved by the County Health Department;
 - (6) Be suitable to meet the requirements for a driveway permit from the County Road Commission as indicated by proper entity; and
 - (7) Not result in the parcel from which the new lot is being (i.e., the parent parcel) from falling below ten acres in size and/or having less the 330 feet of frontage of the public road from which the new lot was created.
- (C) Each application for the creation of lots under this section shall be processed as follows.
 - (1) The Zoning Administrator and Township Supervisor shall jointly review each application.
 - (2) All applications meeting all the standards of this section, as jointly agreed by the Zoning Administrator and Township Supervisor, shall be approved. All applications which fail to meet the standards of this section, in the opinion of both the Zoning Administrator and Township Supervisor, shall be denied. All applications that do not meet one or more of the standards in this section in the opinion of either the Zoning Administrator or the Township Supervisor, but not both, shall be referred to the Planning Commission whose decision on the matter shall be final.
- (D) In reviewing each application to create lots under this section, the Zoning Administrator and Township Supervisor shall ensure:

- (1) A newly created lot does not consist of the best quality agricultural soils on the parent parcel unless, due to practical problems of access, there are no other locations available;
- (2) The size and shape of each new lot is adequate for permitted principal and accessory buildings;
- (3) The erection of a dwelling and permitted accessory structure on each new proposed lot would not have a negative effect on existing or foreseeable agriculture operations on which the remainder of the parent parcel or on adjoining parcels (see especially § 157.042 of this chapter);
- (4) The erection of a dwelling and permitted accessory structures on each new proposed lot would not have a negative effect on adjoining properties and the surrounding neighborhood;
- (5) The proposed new lots are located in a manner which permits governmental agencies to efficiently provide necessary public services for the present and foreseeable future;
- (6) If there are existing buildings on the property and a larger lot than permitted in division (B)(1) above is necessary to meet required setbacks in this district, such larger lot is permitted provided it is the minimum practicality necessary to accommodate the existing buildings while meeting other applicable standards of this chapter; and

(7) All the standards of this section are met by so documenting on forms accompanying each application.

(E) The township shall apply the following procedures in administering this section.

- (1) Concurrent with the adoption of this section, an official map indicating existing lots and land ownership shall be established.
- (2) An allotment of lots possible under this section shall be made for each parcel in the district.
- (3) An allotments are used up by approvals of lots under this section, the official map shall be updated to reflect these changes.
- (4) The official map shall be maintained by the Township Clerk and copies made available for inspection by the public.

(Prior Code, Ch. XV, § 6.08) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

R-1A INTERMEDIATE ESTATE DISTRICT

§ 157.105 DESCRIPTION AND PURPOSE.

This zoning district is intended for small, semi-rural estates.

(Prior Code, Ch. XV, § 6.21) (Ord. 1977-1, passed 10-10-1977)

§ 157.106 USE REGULATIONS.

(A) Land, buildings and structures in this zoning district may be used for the following purposes only:

- (1) Single-family dwellings;
- (2) Type A home occupations by Zoning Administrator approval, as defined in § 157.053 of this chapter; and
- (3) The keeping of livestock when authorized as a special use by the Planning Commission as provided in § 157.042(A)(3) of this chapter.

(B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:

- (1) The keeping of livestock;
- (2) Type B home occupations; and
- (3) Child or adult daycare for seven to 12 non-related individuals.

(Prior Code, Ch. XV, § 6.22) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2-2014, passed 8-11-2014)

§ 157.107 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height or two and one-half stories.

(Prior Code, Ch. XV, § 6.23) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.108 AREA REGULATIONS.

No building or structure, nor any enlargement thereof, shall be hereafter erected, except in conformance with the following yard, lot area and building coverage requirements.

- (A) *Front yard.* There shall be a front yard of not less than 50 feet.
- (B) *Side yard.* There shall be total side yard of not less than 60 feet; provided, however, that, no side yard shall be less than 30 feet.
- (C) *Rear yard.* There shall be a rear yard of not less than 30 feet.
- (D) *Lot area and width.* The minimum lot area and width for all uses in this zoning district shall be one acre (43,560 square feet) and 165 feet, respectively.

(E) *Area of accessory buildings.* No accessory buildings shall contain more than one and one-half times the usable floor area of the dwelling which is the principal use on the lot.

(Prior Code, Ch. XV, § 6.24) (Ord. 1977-1, passed 10-10-1977)

§ 157.109 MINIMUM FLOOR AREA.

Each dwelling unit, unless specified elsewhere, shall have a minimum of 900 square feet of usable floor area on the main or ground floor.

(Prior Code, Ch. XV, § 6.25) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012) Penalty, see § 157.999

R-2 LOW DENSITY RESIDENTIAL DISTRICT

§ 157.120 DESCRIPTION AND PURPOSE.

This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

(Prior Code, Ch. XV, § 7.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.121 USE REGULATIONS.

(A) Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Single-family dwellings;
- (2) Two-family dwellings; and
- (3) Type A home occupations with Zoning Administrator approval, as described in § 157.053 of this chapter.

(B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:

- (1) Type B home occupations;
- (2) Churches;
- (3) Parks, playgrounds, community centers, governmental, administration or service buildings which are owned and operated by a governmental agency or a non-commercial organization;
- (4) Private and public schools, libraries, museums, art galleries and similar uses, when owned by a governmental agency or non-profit organization; and
- (5) Licensed child or adult daycare for seven to 12 non-related individuals.

(Prior Code, Ch. XV, § 7.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2-2014, passed 8-11-2014)

§ 157.122 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height or two and one-half stories.

(Prior Code, Ch. XV, § 7.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.123 AREA REGULATIONS.

No building or structure nor any enlargement thereof shall be hereafter erected, except in conformance with the following yard, lot area and building coverage requirements.

- (A) *Front yard.* There shall be a front yard of not less than 30 feet.
- (B) *Side yard.* There shall be total side yards of not less than 20 feet; provided, however, that, no yard shall be less than seven feet.
- (C) *Rear yard.* There shall be a rear yard of not less than 25 feet; provided, however, that, in the case of lakefront lots, the rear yard shall be not less than 50 feet.
- (D) *Lot area and width (single-family).* The minimum lot area and width for a single-family dwelling shall be 8,500 square feet and 85 feet, respectively; provided, however, that, the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 100 feet, respectively.
- (E) *Lot area and width (two-family).* The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet, respectively; provided, however, that, the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet, respectively.

(Prior Code, Ch. XV, § 7.04) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.124 MINIMUM FLOOR AREA.

- (A) Each dwelling unit, unless specified elsewhere, shall have a minimum of 900 square feet of usable floor area on the main or ground floor.
- (B) Two-family dwellings shall have 900 square feet on the main or ground floor of each unit.

(Prior Code, Ch. XV, § 7.05) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012) Penalty, see § 157.999

R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

§ 157.135 DESCRIPTION AND PURPOSE.

This zoning district is intended for medium density one- and two-family and low density multi-residential and related uses.

(Prior Code, Ch. XV, § 8.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.136 USE REGULATIONS.

(A) Land, buildings or structures in this zoning district may be used for the following purposes only:

- (1) Any use permitted in the R-2 Zoning District are subject, except as specifically provided otherwise in this subchapter, to the same conditions, restrictions and requirements as are provided in the R-2 Zoning District;
- (2) Multi-family dwellings; and

(3) Type A home occupations in single-family dwellings by Zoning Administrator approval subject to conditions set forth in § 157.053 of this chapter.

(B) Uses allowed by special use in conformance with §§ 157.345 through 157.350 of this chapter:

(1) Nursing homes, senior citizen housing and similar group housing;

(2) Type B home occupations;

(3) Licensed child or adult daycare for seven to 12 non-related individuals; and

(4) Mobile home parks, when authorized by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks, including the Trailer Coach Park Act of 1959, as amended, and this chapter, in considering the following standards and requirements.

(a) *Minimum area and maximum densities.* Each mobile home park shall be owned and operated as one entity or on a condominium basis. Each mobile park shall contain a minimum of 50 mobile home lots at first occupancy and may have a maximum of six single-wide mobile homes per gross usable acre or four double-wide mobile homes per gross usable acre.

(b) *Buffer zones.* All mobile home parks shall provide and maintain as a minimum, a 50-foot landscaped setback from any street right-of-way line that borders the park and a 20-foot landscaped buffer zone where the park boundary is adjacent to neighboring properties. The Board of Appeals may recommend that an additional landscaped setback be provided. The landscaping shall consist of deciduous or evergreen trees which reach a minimum of five feet in height and five feet in width in one growing season. Such trees shall be spaced so they provide a continuous screen from adjacent streets. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

(c) *Minimum lot area.* Each mobile home shall have:

1. A minimum lot area of 4,750 square feet; and

2. A minimum width of 50 feet at the front setback line.

(d) *Minimum mobile home size.* No mobile home in any mobile home park shall contain less than 600 square feet of living area nor have outside dimension of less than 12 feet in width and 50 feet in length.

(e) *Yard requirements.* The front yard of each mobile home lot shall be no less than 20 feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be not less than ten feet. The non-entry side of a mobile home shall have a side yard of no less than ten feet and the entry side shall have a side yard of no less than 26 feet. In the case of a double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.

(f) *Corner lots.* Where a mobile home lot is bounded by two streets, the front yard requirement shall be met for each street. No fence, structure or planting over 30 inches in height shall be located on any corner lot within the required front yards.

(g) *Street requirements.* If two-way traffic is to be accommodated, the street pavement width shall be no less than 22 feet. If only one-way traffic is to be accommodated, the street pavement width shall be no less than 20 feet.

(h) *Parking.* Parking shall be provided in off-street parking bays with two parking bays for each mobile home. Each parking bay shall be no less than 200 square feet in area. Each parking bay shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two required off-street parking bays, one additional parking space is permitted on the mobile home lot; provided, it is a hard surface area containing at least 200 square feet of area.

(i) *Access from major streets.* Each mobile home park shall have a minimum of two access streets that enter from a primary or secondary arterial street as designated in the Township General Development Plan, as amended, and provided a continuous route of travel throughout the park. No ingress or egress shall be provided via local streets as designated in the Township General Development Plan, as amended.

(j) *Signs.* A maximum of one identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed 30 square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed 30 square feet.

(k) *Mobile home sales prohibited.* The business of selling new/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. Mobile homes located on lots within the mobile park may be sold by the owner or operator of the park; provided, no more than five are offered for sale at any one time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home park.

(l) *Underground utilities.* All public and private utilities shall be installed underground.

(m) *Site improvements.* Each mobile home shall be provided with a continuous pad of four-inch thick concrete running the full length and width of the mobile home. In lieu of a continuous concrete pad, concrete piers four inches thick may be provided if they run the full length of the mobile home. Each pad shall be equipped with hurricane anchors or tie down equipment capable of being connected to the mobile home to secure the home during high winds. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view.

(n) *Sidewalks.* Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be:

1. A minimum of four feet in width;

2. Raised a minimum of six inches above road grade in front of each site;

3. Adjacent to each street; and

4. Laid out such that they connect the recreation area, common open spaces and the community building with mobile home sites.

(o) *Streets and parking areas.* All streets and parking areas in a mobile home park shall be of a hard surface.

(p) *Refuse disposal.* Each mobile home park shall provide an effective system of garbage and rubbish storage, collection and disposal.

(q) *Lighting.* Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks.

(r) *Central television antenna.* Each mobile home park shall have a master underground television antenna system. Exterior television antennas shall not be permitted on individual mobile homes.

(s) *Ground cover.* All exposed ground surfaces in the mobile home park must be sodded, seeded or covered with ornamental stone. One shade tree at least ten feet in height when planted shall be provided for each two mobile home sites.

(t) *Drainage.* An adequate storm drainage system, including necessary storm sewers, drains inlets, manholes, culverts, bridges and other appurtenances, shall be provided. The requirements for each particular mobile home park shall be established by the County Drain Commissioner. Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the County Drain Commissioner. All proposed storm drainage construction plans for mobile home parks shall be approved by the County Drain Commission.

(u) *Storage areas.* Each mobile home lot shall be equipped with a storage cabinet of no less than 300 cubic feet and no more than 400 cubic feet of storage area, or in lieu thereof, a minimum of 350 cubic feet of storage area in a central storage building. Said storage cabinet shall be placed or constructed within the required rear or entry side yard.

(v) *Recreation vehicle storage.* All mobile home parks shall contain a storage area for the storage of campers, trailers, motor homes, boats, snowmobiles and other vehicles ordinarily towed or driven for a special purpose. The storage of these vehicles in the mobile home park is specifically prohibited, except in the storage area. The storage area shall be screened by solid type fence five feet in height around its perimeter or by some other screening device which is approved by the Planning Commission.

(w) *Recreation area.* Each mobile home park shall include a recreation area or areas equal in size to no less than 10% of the total gross usable park area. Required setbacks or buffer zones may not be used for the required recreation areas. All recreation areas shall be centrally located, well drained, accessible to all residents of the mobile home park, and improved with playground equipment and other facilities for all age groups. In no case shall any intensive use playground equipment be located closer than 50 feet to any mobile home.

(x) *Community building.* Each mobile home park shall have a community building or buildings to provide the laundry and toilet facilities required by the Trailer Coach Park Act and a tornado shelter or shelters of sufficient size to provide a safe refuge for all mobile home park residents. Such building(s) may also house offices and other facilities that are necessary for the management of a mobile home park.

(Prior Code, Ch. XV, § 8.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2-2014, passed 8-11-2014) Penalty, see § 157.999

§ 157.137 HEIGHT REGULATIONS.

No building or structure shall exceed 35 feet in height or two and one-half stories in height.

(Prior Code, Ch. XV, § 8.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.138 AREA REGULATIONS.

No building or structure, nor any enlargement thereof, shall be hereafter erected, except in conformance with the following yard, lot area and building coverage requirements.

(A) *Front yard.* There shall be a front yard of not less than 30 feet.

(B) *Side yard.* There shall be total side yards as follows:

(1) For single- and two-family dwellings, the total side yards shall be not less than 20 feet; provided, however, that, no side yard shall be less than seven feet.

(2) For multi-family dwellings and all other permitted uses, each side yard shall be not less than 20 feet.

(C) *Rear yard.* There shall be a rear yard of not less than 25 feet; provided, however, that in the case of lakefront lots, the rear yard shall not be less than 50 feet.

(D) *Lot area and width (single-family).* The minimum lot area and width for a single-family dwelling shall be 8,500 square feet, respectively; provided, however, that, the minimum lot area and width for lots not served with public water and sewer shall be 15,000 square feet and 100 feet, respectively.

(E) *Lot area and width (two-family).* The minimum lot area and width for a two-family dwelling shall be 15,000 square feet and 100 feet, respectively; provided, however, that, the minimum lot area and width for lots not served with public water and sewer shall be 30,000 square feet and 100 feet, respectively.

(F) *Lot area and width (other than one- and two-family).* The minimum lot width shall be 100 feet. The minimum lot area for multi-family dwellings shall be 4,500 square feet per dwelling unit; provided, however, that, the minimum lot area for multi-family dwellings not served with public sewer and water shall be 10,000 square feet per dwelling unit. The minimum lot area for all other permitted uses shall be 15,000 square feet.

(Prior Code, Ch. XV, § 8.04) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.139 MINIMUM FLOOR AREA.

Each single-family and two-family dwelling shall have minimum usable floor area as is required in the R-2 District. Each multi-family dwelling shall conform to the State Construction Code.

(Prior Code, Ch. XV, § 8.05) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001) Penalty, see § 157.999

C-1 NEIGHBORHOOD BUSINESS DISTRICT

§ 157.150 DESCRIPTION AND PURPOSE.

This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

(Prior Code, Ch. XV, § 9.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.151 USE REGULATIONS.

Land, buildings or structures in this zoning district may be used for the following purposes, subject to the site development standards and requirements provided in §§ 157.315 through 157.332 of this chapter:

(A) Those non-residential uses which are permitted in the residential zoning districts, subject, except as specifically provided otherwise in this chapter, to the same conditions, restrictions and requirements as are provided in the residential zoning districts;

- (B) Bakery goods store;
- (C) Banks, loan and/or finance offices;
- (D) Barber or beauty shop;
- (E) Book, stationery or gift store;
- (F) Candy store, soda fountain and/or ice cream store;
- (G) Clothing cleaning and/or laundry pick-up station;
- (H) Clothing and dry goods store;
- (I) Delicatessen store;
- (J) Dress shop;
- (K) Drug store;
- (L) Florist and gift shop without nursery;
- (M) Funeral home;
- (N) Grocery store and meat market;
- (O) Hardware store;
- (P) Household appliance store;
- (Q) Jewelry store;
- (R) Laundromats;
- (S) Liquor store, including beer and wine sales;
- (T) Nursery school and day nurseries;
- (U) Paint and wallpaper store;
- (V) Parking lots;
- (W) Photographer;
- (X) Radio and television store;
- (Y) Restaurants and/or cafes without dancing, floor shows or drive-in service;

(Z) Service stations, including minor auto repairs, if all repair work is conducted within a completely enclosed building, when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, nature and character of the gas station;
- (2) The proposed location of the gas station;
- (3) The location of entrance drives and access to the gas station with respect to potential traffic congestion or hazards;
- (4) How well the gas station harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- (5) The need and necessity for the products and services of the gas station at the proposed location; and
- (6) The effect of the gas station on adjoining properties and the surrounding neighborhood.

- (AA) Shoe repair shop;
- (BB) Tailor and/or dress maker;
- (CC) Variety store including “notions” and “five and ten” store;
- (DD) Business signs, real estate signs, identifying sign, name plate; and

(EE) Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, nature and character of the proposed use;
- (2) The proximity of the proposed use to adjoining properties;
- (3) The parking facilities provided for the proposed use;
- (4) Any traffic congestion or hazard which will be occasioned by the proposed use;
- (5) How well the proposed use harmonizes, blends with and enhances adjoining properties and the surrounding neighborhood;
- (6) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and

(7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

(Prior Code, Ch. XV, § 9.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

§ 157.152 REQUIRED CONDITIONS.

(A) With the exception of automobile parking and off-street parking, all business, service or processing shall be conducted wholly within a completely enclosed building.

(B) All goods produced on the premises shall be sold at retail on the premises where produced.

(Prior Code, Ch. XV, § 9.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.153 HEIGHT REGULATION.

No building or structure shall exceed 35 feet in height.

(Prior Code, Ch. XV, § 9.04) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.154 AREA REGULATIONS.

No building or structure, nor any enlargement thereof, shall be hereafter erected, except in conformance with the following yard, lot area and building coverage requirements.

(A) *Front yard.* Where all the frontage on the same side of a street between two intersecting streets is located in a C Zoning District and where a setback has been established by 50% of said frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of not less than 50 feet.

(B) *Side yard.*

(1) Where the side of a lot in a C-1 Zoning District abuts upon the side of a lot in any R or AG Zoning District, each side yard be not less than 25 feet.

(2) There shall be a side yard of not less than 40 feet on the street side of a corner lot.

(3) No side yard shall be required when directly abutting other commercial uses or land included in a C or I Zoning District.

(C) *Rear yard.*

(1) Where the rear of a lot in a C-1 Zoning District abuts upon the side yard of a lot in any R Zoning District or AG Zoning District, there shall be a rear yard of not less than 25 feet.

(2) In all other cases, there shall be a rear yard of not less than ten feet.

(3) No accessory building shall be allowed closer than five feet from the rear lot line.

(D) *Screening.* Side yards and rear yards adjoining any lot in an R or AG Zoning District shall be screened:

(1) By a compact hedge of deciduous or evergreen trees which reach a minimum of five feet in height and five feet in width after one growing season; or

(2) A solid wall or tight board fence six feet in height.

(E) *Lot area.* The minimum lot area shall be 15,000 square feet; provided, however, that, all private sewage disposal systems not connected to a public sewer must be approved by the County Health Department. The minimum lot width shall be 100 feet.

(Prior Code, Ch. XV, § 9.05) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

C-2 GENERAL BUSINESS DISTRICT

§ 157.165 DESCRIPTION AND PURPOSE.

This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

(Prior Code, Ch. XV, § 10.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.166 USE REGULATIONS.

Land or buildings in the C-2 General Business District may be used for the following, subject to the site plan development standards and requirements provided in §§ 157.315 through 157.332 of this chapter:

(A) All uses permitted in the C-1 District;

(B) Amusement enterprises, if approved by the Planning Commission and the Township Board on application for a special use permit, as provided in §§ 157.345 through 157.350 of this chapter;

(C) Antique shop, provided all articles for sale are displayed or stored within the shop;

(D) Automobile and other vehicle sales;

(E) Automobile and other vehicle repair shop or garage, including major repair operations;

(F) Bank, loan and finance offices including drive-in branches;

(G) Bowling alley, including bars and restaurant;

(H) Bus station and travel agency;

- (I) Business or trade school;
- (J) Car wash;
- (K) Campgrounds;
- (L) Catering service, delicatessen and confectionery store;
- (M) Clinic - dental and medical including laboratory;
- (N) Contractor (plumbing, heating, electrical and the like); provided, all operations and storage are completely enclosed in a building;
- (O) Crating and packing service;
- (P) Dance studio and photographic studio;
- (Q) Diaper, linen and towel supply service;
- (R) Dry cleaning and laundry - custom and self-service;
- (S) Eating place - bar, grill and cocktail lounge including drive-in;
- (T) Electrical supplies - wholesale and storage;
- (U) Exterminator service;
- (V) Factory and mill supplies;
- (W) Florist and gift shop including nursery;
- (X) Frozen food locker;
- (Y) Funeral home and ambulance service;
- (Z) Hotels and motels;
- (AA) Juke box and vending machine service and distribution;
- (BB) Laboratory - medical or dental;
- (CC) Landing and take-off areas for roto craft;
- (DD) Liquor store;
- (EE) Locksmiths;
- (FF) Lodge hall, private clubs, veterans' clubs;
- (GG) Malt beverage, liquor and wine distribution;
- (HH) Marinas;
- (II) Offices;
- (JJ) Office machines, sales and service;
- (KK) Office supply store;
- (LL) Ornamental iron work and fence service;
- (MM) Parcel delivery station;
- (NN) Pet shop, not including treatment or boarding of animals;
- (OO) Printing and publishing including processes related thereto;
- (PP) Professional studio;
- (QQ) Plumbing and heating shop; provided, all operations and storage are completely enclosed in a building;
- (RR) Radio and TV sales, repair and broadcasting studios and towers;
- (SS) Resale shops including "auction houses";
- (TT) Resort including seasonal cabins;
- (UU) Service stations;
- (VV) Sign painting and servicing shops provided all operations and storage are completely enclosed in a building;
- (WW) Special tools and gauges - checking and service;
- (XX) Taxidermist;
- (YY) Theater;
- (ZZ) Theater - drive-in;
- (AAA) Trade schools;
- (BBB) Travel agencies;

(CCC) Warehousing and storage structures;

(DDD) Wholesale sales; and

(EEE) Billboards, business signs, real estate signs, identifying sign, name plate.

(Prior Code, Ch. XV, § 10.02) (Ord. 1977-1, passed 10-10-1977; Ord. 1992-4, passed - -1992; Ord. passed 8-9-2004; Ord. 2012-1, passed 11-5-2012)

§ 157.167 SPECIAL USES BY PERMIT.

(A) *General.*

(1) In development and execution of this subchapter, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential area or community and neighborhood shopping areas, thereby having a deleterious effect upon such areas. It is also recognized that the controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the C-2 General Commercial is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's neighborhood business areas. At the same time, these controls are intended to provide commercially viable locations within the township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this chapter or various other local, state and federal statutes.

(2) Uses subject to these controls are as follows:

- (a) Adult motion picture theaters;
- (b) Adult book and video stores;
- (c) Adult cabarets;
- (d) Nude artist and photography studios;
- (e) Massage parlors;
- (f) Host or hostess establishment;
- (g) Sauna, hot tub or other similar health or body improvement or enjoyment enterprise;
- (h) Open dance hall;
- (i) Adult smoking or sexual novelty and paraphernalia store;
- (j) Adult motel;
- (k) Escort agency;
- (l) Sexual encounter center; and
- (m) Any combination of the foregoing.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOK OR VIDEO STORE. Any establishment or part thereof having as a substantial or significant portion of its stock in trade, books, videos, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT CABARET. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators or similar entertainers.

ADULT MOTEL. A hotel, motel or similar commercial establishment that:

- (a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
- (b) Offers a sleeping room for rent for a period of time that is less than 20 hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.

ADULT MOTION PICTURE THEATER. Any establishment used for presenting motion pictures, videos or live performances distinguished or characterized by an emphasis on matter or actions depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein for observation by patrons therein.

ADULT SMOKING OR SEXUAL NOVELTY AND PARAPHERNALIA STORE. An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

CABARET. A café, restaurant, night club or bar where patrons are entertained by performers who dance or sing or play musical instruments.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

HOST OR HOSTESS ESTABLISHMENT. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

MASSAGE. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

MASSAGE PARLOR. An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.

NUDE ARTIST AND PHOTOGRAPHY STUDIOS. Any building, structure, premises or part thereof which offers as a principal or secondary activity the providing of models to display specified anatomical areas as defined herein for artists, photographers or other persons for a fee or charge.

NUDITY or STATE OF NUDITY. The appearance of a human bare buttock, anus, male genital, female genitals or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.

OPEN DANCE HALL. An establishment where open public dancing by patrons is available with partners furnished by the establishment.

SAUNA, HOT TUB OR OTHER SIMILAR HEALTH OR BODY IMPROVEMENT ENTERPRISES. Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities for male and/or female customers with supervision or participation by employees or independent contractors of the business.

SEMI-NUDE. A state of dress in which clothing covers not more than the human bare buttock, anus, male genitals, female genitals or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.

SEXUAL ENCOUNTER CENTER.

(a) A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(b) The above definitions shall not be construed to include a licensed hospital, nursing home, medical clinic, office of a physician, surgeon, osteopath, sports medicine clinic or physical massage therapist duly licensed by the state or accredited by an association having national recognition. The above definitions shall also not be construed to include a barber shop or beauty salon in which massages are administered to the scalp, the face, the neck or the shoulder. This definition shall also not be construed to include a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreation and/or athletic facilities for the welfare of the residents of the area.

SPECIFIED ANATOMICAL AREAS. Specified anatomical areas are defined as less than completely and opaquely covered human genitals, pubic region and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Specified sexual activities are defined as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, erotic fondling or other erotic touching of genitals, pubic region, buttock or female breast.

(C) *Permitted use.* Any of the regulated uses enumerated herein are permitted only after a public hearing. The hearing shall be held by the Planning Commission, with notice published at least once, not less than five, nor more than 15, days before the hearing, in a newspaper of general circulation within the township. The notice shall also be mailed to all owners of property and the occupants of all structures within a 300 feet distance of the property line in question. The notices shall state the time, place and purpose of the meeting. The Planning Commission must find that all of the following exist:

- (1) The building or structure housing the use is located a minimum of 250 feet from the boundary of all AG, R-1 and R-2 Zoning Districts and 500 feet from a residential use, regardless of the zoning for the residential use.
- (2) The property is located a minimum of 1,000 feet from the property line of any public, private or religious primary or secondary school, public park, library or museum, any public or licensed private day care or nursery school or site of religious assembly or worship.
- (3) The use is not located within 750 feet of any other adult or special controlled use; except that, such restriction may be waived if the following findings are made by the Planning Commission:
 - (a) The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
 - (b) The proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings; and/or
 - (c) The establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- (4) A business regulated under these provisions lawfully operating is not rendered a non-conforming use by the location, subsequent to the location, or grant or renewal of the special controlled use, any residence, public, private or religious primary or secondary school, public park, library or museum, any public or licensed private daycare or nursery school or site of religious assembly or worship or any other adult or special controlled use.

(D) *Conditions and limitations.*

- (1) Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment's location, construction, maintenance or operation of the regulated use as may in its judgement be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- (2) Failure to follow such limitation or conditions will act to immediately terminate any permit or license given.

(E) *Application.*

- (1) Application for approval of a special controlled use shall be made on a form as provided by the township and submitted to the Zoning Administrator along with a review fee in the amount established by the Township Board by resolution.
- (2) The application shall be placed on the next available agenda of the Planning Commission, at such time the required public hearing date shall be set.

(3) The Planning Commission shall have 75 days from the date of submittal of a complete application to act on the application.

(F) *Appeals*. An appeal of any decision by the Planning Commission to deny an application, wholly or in part, may be made to the Zoning Board of Appeals in accordance with the provisions of this chapter.

(G) *Limit on re-application*. No application for such a use which has been denied wholly or in part shall be re-submitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

(Prior Code, Ch. XV, § 10.02(2)) (Ord. 1977-1, passed 10-10-1977; Ord. 2012-1, passed 11-5-2012)

§ 157.168 HEIGHT, AREA AND YARD REQUIREMENTS.

Height, area and yard requirements in the C-2 Zone are the same as the C-1 Zone.

(A) *Front yard*. Same as C-1 Zone.

(B) *Side yard*. Same as C-1 Zone.

(C) *Rear yard*. Same as C-1 Zone.

(D) *Lot area*. Same as C-1 Zone.

(Prior Code, Ch. XV, § 10.03) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

I-1 INDUSTRIAL DISTRICT

§ 157.180 DESCRIPTIONS AND PURPOSE.

This district permits compounding, assembling or treatment of articles or materials; this district also allows as a special use heavy manufacturing, processing of raw materials and other similar industrial uses.

(Prior Code, Ch. XV, § 11.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.181 USE REGULATIONS.

Land or buildings in the I-1 Industrial District may be used for the following, subject to the site plan development standards and requirements provided in §§ 157.315 through 157.332 of this chapter:

(A) The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products except the rendering or refining of fats and oils;

(B) The manufacture, compounding, assembly or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood and yarn;

(C) The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay;

(D) Petroleum storage located at least 500 feet from any residentially zoned property;

(E) Auto repair shops;

(F) Auto wash;

(G) Bottling plants and dairies;

(H) Contractor yards;

(I) Crating and packing service;

(J) Dry cleaning and laundry;

(K) Machine shop;

(L) Printing shops;

(M) Sign painting and servicing shops;

(N) Taxidermist;

(O) Warehouses and storage;

(P) Wholesale sales. The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further that, no goods, materials or objects shall be stacked higher than the fence or wall; and provided further that, all business will be conducted in such a manner that no noise, smoke, dust, vibration or any other like nuisance shall exist to affect adjoining residential properties adversely;

(Q) Drive-in theaters as a special use;

(R) Landing and take off areas for roto craft and airports as a special use;

(S) Parking lots;

(T) Radio and television towers as a special use; and

(U) Billboards, business signs, real estate signs, identifying sign, name plate.

(Prior Code, Ch. XV, § 11.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

§ 157.182 HEIGHT REGULATIONS.

Three stories or 45 feet, whichever is lesser.

(Prior Code, Ch. XV, § 11.03) (Ord. 1977-1, passed 10-10-1977)

§ 157.183 AREA REGULATIONS.

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following requirements are provided and maintained in connection with such building, structure or enlargement.

(A) *Front yard.* There shall be a front setback of not less than 50 feet.

(B) *Side yards.*

(1) Where the side yard of a lot abuts the side of a lot in the Industrial Zone, there shall be a side yard of not less than ten feet.

(2) In all other cases, there shall be a side yard of not less than 50 feet.

(C) *Rear yard.* There shall be a rear yard of not less than 50 feet.

(D) *Lot area and width.* The minimum lot area shall be 15,000 square feet and the minimum lot width shall be 100 feet.

(Prior Code, Ch. XV, § 11.04) (Ord. 1977-1, passed 10-10-1977)

SIGN REGULATIONS**§ 157.195 DESCRIPTION AND PURPOSE.**

(A) This subchapter is intended to regulate the size, number, location and manner of display of signs in the township in a manner consistent with the following purposes:

(1) To protect and further the health, safety and welfare of residents, property owners and visitors;

(2) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed;

(3) To conserve and enhance community character;

(4) To promote uniformity in the size, number or placement of signs within districts;

(5) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination; and

(6) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.

(B) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.

(C) The purpose of this subchapter does not include the regulation of the content or any information included on the sign.

(Prior Code, Ch. XV, § 12.12.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.196 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any business sign or sign structure now or hereafter existing which advertises a business conducted or product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered **ABANDONED** and shall, within 30 days after such abandonment, be removed or modified so as to no longer advertise the previous use, by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

ADVERTISING SIGN. A structure, symbol, display, device, figure, statue, painting, drawing, written or projected message or similar device located outdoors or inside a window directed to the outdoors for the purpose of advertising services or products which are produced, assembled, stored, distributed, leased, sold or serviced upon or from the premises upon which the same is located.

AIR/GAS FILLED BALLOON SIGN. A sign composed of a non-porous bag of material filled with air or gas.

BANNER SIGN. A portable sign of fabric, plastic or other non-rigid material without an enclosing structural framework.

BILLBOARD. A sign located within 500 feet of the right-of-way of U.S. 131 which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.

BULLETIN BOARD SIGN. A form of "advertising sign" or "institution sign" consisting of a stationary structure used to display information which may be frequently changed in content.

CHANGEABLE MESSAGE BOARD. A sign in which any portion of the informational content of the sign is capable of being changed on a frequent basis, either automatically or by means of electronically displayed text or manually by physically removable letters attached to the surface of the sign, including LED signs.

COMMUNITY EVENT POSTER SIGN. A sign advertising a special community event open to the general public sponsored by a public, municipal or non-profit organization.

DEVELOPMENT SIGN. A sign located on the site of a construction project while the project is under active construction identifying the name of the project and developers, contractors, engineers, architects, brokers and/or financial or governmental institutions involved. To be removed within 30 days of

project completion.

DIRECTIONAL AND PARKING SIGN. A structure or symbol containing no advertising text designating an entrance, exit, parking area or direction.

ELECTION SIGN. A sign promoting or opposing candidates or propositions at any general, primary, special, state, school or local public election.

GARAGE, YARD, BASEMENT AND MULTIPLE HOUSEHOLD GOODS SALE SIGNS. A sign which identifies a private, personal sale of surplus household goods of an owner at a residential location by the owner or occupant of the residence and, if desired, by neighbors, which sale complies with the provisions of the township ordinance pertaining to such sales.

HUMAN SIGN. A sign carried or displayed by a person, a person wearing clothing containing an advertising message, or a person wearing a costume for advertising purposes. A **HUMAN SIGN** is subject to the restrictions and provisions contained elsewhere in this subchapter.

IDENTIFICATION SIGN. A sign exclusively designed to identify the name of the owner or occupant and/or address or other similar identification of the premises on which the same is located provided no advertising is included. The foregoing shall not include a franchise or chain-operated business name or logo.

INSTITUTION SIGN. A sign used to identify an institution or organization established for the benefit or use of a public body. For purposes of this definition, this shall be deemed to include, but is not limited to, schools, hospitals for treatment of humans only, churches, libraries, golf courses, cemeteries, fire stations, parks or charitable institutions.

MEMORIAL SIGN. A sign, tablet or plaque memorializing a person, event, structure or site.

NIT. A unit of visible light intensity or luminance commonly used to specify the brightness of digital displays and LCD boards and monitors. One **NIT** is equivalent to one candela per square meter.

OFF-PREMISES SIGN. A sign structure advertising a service, establishment, merchandise or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located. Where permitted, each parcel shall be allowed to have one off-premises sign. Such signs shall not exceed 32 square feet in area.

ON-PREMISES SIGN. A sign structure advertising an establishment, service, merchandise or entertainment which is sold, produced, manufactured or furnished at the property on which said sign is located.

PLACARD. A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting" signs or "Gas Main" signs.

POLE SIGN. A freestanding sign which is supported by a structure, poles or braces which are less than 50% of the width of the sign.

PORTABLE SIGN. A sign which is designed to be moved from one location to another.

PROJECTING SIGN. A sign which is affixed to any building or structure including a marquee and which projects in such a way that the message is not parallel to the wall to which it is attached.

READER BOARD. A portion of a sign on which copy is changed manually.

REAL ESTATE SIGN. A sign which advertises the sale, rental or lease of properties on which it is located and includes the name, location and/or telephone number of the business office of the owner, agent or agency involved and which is removed immediately upon the confirmation of the sale, rental or lease.

RESIDENTIAL SUBDIVISION SIGN. A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

ROOF LINE. The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

ROOF SIGN. A sign erected above the roof line of a building and attached to the building.

SIGN. A device, structure, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity or otherwise intended or used to advise or inform.

SIGN AREA. The area of a sign, for the purposes of this subchapter, shall be computed around the perimeter of its frame or border where such exists or around the perimeter of its symbols or letters or other display elements where no border or frame exists. Signs facing in opposite directions on a single frame not more than two feet apart shall only be measured for area on one side of the same. The area of all other signs facing in more than one direction shall be the total area of each side measured collectively. The **AREA OF A SIGN** shall not include the area of its supporting structure if the supporting structure contains no advertising or surface display lighting and is substantially less in area than the advertising display lighting and is substantially less in area than the advertising display surface of the sign. Decals or wording on a sign identifying the regional or national affiliation of a business or facility shall be included in computing the **AREA OF THE SIGN**.

SIGN STRUCTURE. The assembled components which make up an outdoor sign display, including, but not limited to, uprights, supports, facings and trim.

STRING LIGHTS. Exterior string lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.

TEMPORARY SIGN. A sign, poster, banner, structure or symbol designed and intended for limited advertising, promotional information or identification purposes.

TRI-VISION SIGN. A sign composed of a series of three-sided panels lined up beside each other, which, when turned together, allow three individual sign images to be displayed.

UNSAFE SIGN. Any sign which is structurally or electronically unsafe.

UTILITY POLE MOUNTED SIGN. Any sign erected on a utility pole or directional sign post.

VEHICLE SIGN. Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service or commodity on the premises.

WALL SIGN. A sign which is attached to or painted upon a building wall or other structure having a different primary purpose than a sign (such as a fence, awning, water tower or storage tank) and which does not project more than 18 inches there from. The exposed face of the sign must be in a plane parallel to the wall or structure and the sign must not extend above the height of the wall or structure.

WINDOW SIGN. A sign installed inside a window and intended to be viewed from the outside.

(Prior Code, Ch. XV, § 12.12.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.197 SIGNS PROHIBITED.

(A) A sign not expressly permitted by this chapter is prohibited.

(B) The following types of signs are expressly prohibited:

(1) Any sign, including window signs, which have flashing, moving, oscillating or blinking lights excluding automatic changeable copy signs and barber pole signs which are permitted;

(2) Abandoned signs;

(3) Human signs;

(4) Roof signs;

(5) Sign structures without signs;

(6) String lights;

(7) Unsafe signs;

(8) Utility pole signs; and

(9) Vehicle signs.

(Prior Code, Ch. XV, § 12.12.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.198 SIGNS EXEMPTED.

The following signs shall be exempted from the provisions of this subchapter:

(A) Official traffic signs erected by a government agency;

(B) Government signs two square feet or less;

(C) Election signs;

(D) Window signs;

(E) Memorial signs;

(F) Murals;

(G) Signs not visible from any street;

(H) Essential service signs which are two square feet or less;

(I) Placards;

(J) Community service group or agency signs two square feet or less;

(K) Newspaper box signs;

(L) Farm identification signs;

(M) Flags or insignias of any nation, state, township, community organization or educational institution or flags of a non-commercial nature;

(N) Temporary banners or portable signs erected by a government or community service group/agency or school announcing a public or community event;

(O) Signs for residential garage and/or yard sales;

(P) Roadside stand signs less than 16 square feet in area;

(Q) Real estate signs; and

(R) On-site directional signs subject to the following restrictions.

(1) Such sign shall not exceed two square feet in area.

(2) It shall be placed no higher than three feet from the drive grade.

(3) It shall be setback at least five feet from any lot line.

(4) Directional signs shall be limited to traffic control functions only.

(Prior Code, Ch. XV, § 12.12.04) (Ord. 1977-1, passed 10-10-1977)

§ 157.199 NON-CONFORMING SIGNS.

(A) Every legal permanent sign which does not conform to the height, size, area or location requirements of this subchapter as of the date of the adoption of this chapter is hereby deemed to be non-conforming.

(B) Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign, but may not be altered, expanded, enlarged or relocated.

(C) A non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.

(D) A sign accessory to a non-conforming use may be erected in the township in accordance with the sign regulations for the district in which the property is located.

(Prior Code, Ch. XV, § 12.12.05) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.200 SIGN AREA.

(A) Unless otherwise specified within this subchapter for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(B) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces; except, if two such faces are placed back-to-back and are of equal size and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(C) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less, except for billboards as specified herein.

(Prior Code, Ch. XV, § 12.12.06) (Ord. 1977-1, passed 10-10-1977)

§ 157.201 SIGN REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS.

(A) Reader boards are allowed when included as part of a wall or freestanding sign.

(B) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for billboards, off-premises signs and signs advertising farm products or operations as permitted herein.

(C) Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.

(D) Development signs are permitted in any district, but shall be no larger than 32 square feet and not exceed eight feet in height.

(E) No sign (or any pole or support cable of any nature), except those established and maintained by the township, county, state or federal governments, shall be located in, project into or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this subchapter.

(F) No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal or other word, phrase, symbol or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

(G) No sign above a height of 36 inches from the road surface shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless vision under clearance can be assured on the plans.

(H) No sign shall be illuminated by other than approved devices and in no case shall any open spark or flame be used for display purposes unless specifically approved by the Township Board. All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property.

(I) No wall sign shall project beyond or overhang the wall or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.

(J) No sign shall contain flashing, moving or animated parts, except for automatic changeable copy signs or barber pole signs.

(K) All signs shall be located a minimum of ten feet from the edge of any street right-of-way and not less than 20 feet from side and rear lot lines.

(Prior Code, Ch. XV, § 12.12.07) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.202 SIGN PERMITS AND APPLICATION.

(A) *Permits required.* A sign permit shall be required for the erection, use and construction of all permanent signs, except those exempted herein.

(B) *Application.* An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application form shall be furnished by the Zoning Administrator.

(C) *Issuance of sign permit.* The Building Inspector/Zoning Administrator shall issue a sign permit if all provisions of this subchapter and other applicable township ordinances are met. A sign authorized by a permit shall be installed or under construction within one year of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

(Prior Code, Ch. XV, § 12.12.08) (Ord. 1977-1, passed 10-10-1977)

§ 157.203 SIGNS PERMITTED WITHIN THE AGRICULTURAL (AG) DISTRICT.

All signs are subject to regulations set forth in § 157.201 of this chapter:

(A) Advertising signs, identification signs and on-premises signs: one per permitted principal non-residential use excluding home occupations not to exceed 12 square feet in area and six feet above ground level;

(B) Off-premises signs: one per property not to exceed 12 square feet in area and six feet above ground level;

(C) Temporary signs; and

(D) Wall signs: total sign area not to exceed 15% of area of face of building to which sign is attached, or two square feet for each linear foot of front building face, whichever is less.

(Prior Code, Ch. XV, § 12.12.09) (Ord. 1977-1, passed 10-10-1977)

§ 157.204 SIGNS PERMITTED WITHIN THE RURAL ESTATE RESIDENTIAL DISTRICT R-1.

All signs are subject to regulations set forth in § 157.201 of this chapter:

(A) Advertising signs, identification signs and on-premises signs: one per permitted principal non-residential use excluding home occupations not to exceed 12 square feet in area and six feet above ground level;

(B) Development signs: one per project not to exceed 32 square feet in area and six feet above ground level;

(C) Institution signs: one per institution not to exceed 32 square feet in area and six feet above ground level;

(D) Off-premises signs: one per property not to exceed 12 square feet in area;

(E) Residential and subdivision signs: one per vehicle entrance not to exceed 32 square feet in area and six feet above ground level;

(F) Temporary signs; and

(G) Wall signs: one per street frontage to be placed directly facing the street permitted on the principal or accessory non-residential buildings. The total sign area shall not exceed 15% of area of face of building to which sign is attached, or two square feet for each linear foot of front building face, whichever is less.

(Prior Code, Ch. XV, § 12.12.10) (Ord. 1977-1, passed 10-10-1977)

§ 157.205 SIGNS PERMITTED WITHIN RESIDENTIAL DISTRICTS R-1A, R-2, R-3.

All signs are subject to regulations set forth in § 157.201 of this chapter:

(A) Advertising signs, on-premises signs: one per permitted principal non-residential use excluding home occupations not to exceed 12 square feet in area and six feet above ground level;

(B) Development signs: one per project not to exceed 32 square feet in area and six feet above ground level;

(C) Identification signs: not to exceed two square feet in area;

(D) Institution signs: one per permitted principal non-residential use not to exceed 32 square feet in area and six feet above ground level;

(E) Residential and subdivision signs: one per vehicle entrance not to exceed 32 square feet in area and six feet above ground level;

(F) Temporary signs; and

(G) Wall signs: one per street frontage to be placed directly facing the street permitted on principal or accessory non-residential buildings. The total sign area not to exceed 15% of area of face of building to which sign is attached, or two square feet for each linear foot of front building face, whichever is less.

(Prior Code, Ch. XV, § 12.12.11) (Ord. 1977-1, passed 10-10-1977)

§ 157.206 SIGNS PERMITTED WITHIN COMMERCIAL DISTRICTS C-1 AND C-2 AND INDUSTRIAL DISTRICTS I-1.

All signs are subject to regulations set forth in § 157.201 of this chapter:

(A) Advertising signs, identification signs, on-premises signs and pole signs: no lot or parcel shall have more than one advertising sign, identification sign, on-premises sign or pole sign; corner lots shall have no more than one sign per road frontage. Where two or more uses are located within the same building or lot, signage for each business shall be combined on one sign, not to exceed a total of 100 square feet;

(B) Regulations for advertising signs, identification signs and on-premises signs: no sign shall exceed 48 square feet and eight feet in height measured from ground level;

(C) Regulations for pole signs: no sign shall exceed 100 square feet. Pole signs shall not exceed 25 feet in height and have a minimum height of eight feet between the bottom of the sign and the ground. The supports for any pole sign shall not be more than three feet wide on any one side. Design plans for any pole sign 20 feet or higher shall be sealed by a professional engineer to ensure structural integrity of such signs for the safety of the public;

(D) Temporary signs; and

(E) Wall signs: one per street frontage to be placed directly facing the street permitted on any building, not to exceed 15% of area of the face of the building to which the sign is attached.

(Prior Code, Ch. XV, § 12.12.12) (Ord. 1977-1, passed 10-10-1977)

§ 157.207 BILLBOARDS.

Billboards are permitted only in those areas which are within 500 feet of U.S. 131 Expressway (defined as the area measured from the nearest edge of the right-of-way of said freeway and extending 500 feet perpendicularly and then along the line parallel to the right-of-way line on both sides of the freeway) subject to the following conditions:

(A) Parcel must be zoned commercial or industrial;

(B) Double-faced billboard structures (i.e., structures having back to back billboard faces) and V-type billboard structures having only one face visible to traffic, proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to each other) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more

than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in division (C) below;

(C) No billboard shall be located within 1,000 feet of another billboard measured in any direction;

(D) No billboard shall be located within 250 feet of a residential zone;

(E) No billboard shall be located within 50 feet from the property line adjoining a public right-of-way, or ten feet from any interior boundary lines of the premises upon which the billboard is located;

(F) Billboards may be constructed to a maximum size of 672 square feet per face; provided, they are located within 100 feet of a freeway right-of-way. Any billboard placed farther than 100 feet, but not more than 500 feet, from the freeway right-of-way, shall not exceed 64 square feet per face;

(G) The height of a billboard shall not exceed 35 feet above:

(1) Grade of the ground on which the billboard sits; or

(2) The grade of the abutting roadway, whichever is higher.

(H) A billboard may be illuminated provided such illumination is concentrated on the surface of the sign and is located to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises; and

(I) The non-conforming use provisions of §§ 157.300 through 157.304 of this chapter shall apply to pre-existing billboards.

(Prior Code, Ch. XV, § 12.12.13) (Ord. 2011-9, passed 11-14-2011) Penalty, see § 157.999

MOBILE HOMES

§ 157.220 MOBILE HOMES.

No person shall use, occupy or permit the use or occupancy of a mobile home as a dwelling within any district within the township not designated as a mobile home park, unless:

(A) Said mobile home, the placement thereof, and the premises upon which it shall be located, shall meet all requirements of this subchapter relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated;

(B) Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto;

(C) A mobile home shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code, and shall have a wall of the same perimeter, and constructed of such materials and type as required in the applicable Building Code for a single-family dwelling. In addition, mobile homes shall be installed pursuant to the manufacturer's set up instructions, and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission:

(D) Construction of, and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the current U.S. Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 C.F.R. part 3280), and as from time to time amended;

(E) If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings on-site within said zone;

(F) Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the United States Department of Housing and Urban Development, Mobile home Construction and Safety Standards; and

(G) Mobile homes shall contain a storage capability area in a basement located under the dwelling, in an attic area, closet areas or in a separate structure of standard construction, which storage area shall be equal to 10% of the square footage of the dwelling, or 100 square feet, whichever shall be less.

(Prior Code, Ch. XV, § 12A.01) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

§ 157.221 PLACEMENT AND USE OF MOBILE HOME.

(A) The placement and use of a mobile home in a zoning district within the township shall be aesthetically compatible in design and appearance with conventionally on-site constructed single-family dwellings, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, and permanently attached steps or porch areas where an elevation differential requires the same. At a minimum, the wheels and towing mechanism of the mobile home shall be removed, and the underside or chassis of the mobile home shall be completely enclosed and connected to the foundation, and said mobile home shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said district.

(B) A determination of the aesthetic compatibility in design and appearance of a mobile home as provided herein shall be made in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the to the Zoning Board of Appeals within a period of 15 days from the receipt of notice in said Zoning Inspector's decision.

(Prior Code, Ch. XV, § 12A.02) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

§ 157.222 ADDITIONS TO MOBILE HOMES.

All pre-manufactured room or other area additions to a mobile home shall comply with the standards of construction provided for herein for mobile homes and shall be installed upon a permanent foundation as provided herein for mobile homes. Conventionally constructed additions to mobile homes shall comply in all respects with the applicable Building Codes in the township.

(Prior Code, Ch. XV, § 12A.03) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

§ 157.223 CONSTRUCTION, BUILDING PERMIT; CERTIFICATE OF APPROVAL.

All construction required herein shall be commenced only after a building permit is obtained in accordance with the applicable Township Building Code provisions and requirements. No person shall occupy any mobile home as a dwelling within the township outside of a licensed mobile home park until a

certificate of approval shall be issued by the Building Official or Zoning Administrator, which permit shall satisfactory compliance with all requirements of this chapter and Building Code.

(Prior Code, Ch. XV, § 12A.04) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

§ 157.224 REPEAL.

Any and all ordinances and resolutions of the township inconsistent with the terms of this subchapter prohibiting the use of mobile homes, except in approved mobile parks, shall be and are hereby repealed.

(Prior Code, Ch. XV, § 12A.05) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

§ 157.235 INTENT AND PURPOSE.

(A) The provisions of this subchapter are intended to provide flexibility and creativity in the site planning and development process and to provide requirements and standards for the submission, review and approval of applications for planned unit developments (PUDs).

(B) The purpose and objectives of these PUD regulations include the following:

- (1) To encourage the use of land in accordance with its character and adaptability;
- (2) To promote the conservation of natural features and resources including prime agricultural land;
- (3) To encourage innovation in land use, planning and development;
- (4) To promote the enhancement of housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township;
- (5) To promote and ensure greater compatibility of design and use between neighboring properties;
- (6) To provide for the regulation of legal land uses not otherwise authorized within this chapter; and
- (7) To encourage the availability of open space, as a part of the development of residential lands, and to promote the development of passive and recreational land uses.

(C) The provisions of this subchapter are not intended as a device for ignoring this chapter of the planning upon which it has been based. To that end, provisions of this subchapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this subchapter to ensure appropriate, fair and consistent decision making.

(Prior Code, Ch. XV, § 12C.01) (Ord. 2001-1, passed 7-17-2001)

§ 157.236 PERMITTED USES.

(A) Land uses, buildings and structures may be permitted in the PUD District as in the underlying zoning district. Land uses may be permitted within a PUD pursuant to an approved site plan and in accordance with all other applicable requirements of this subchapter.

(B) Any development under consideration as a PUD District may contain a mixture of two or more land use types of densities. A mixture of land use types shall mean either:

- (1) Different land uses (e.g., commercial and residential); or
- (2) A district mix of land use types within one general land use category (e.g., single-family detached, townhouses and garden apartment or commercial warehousing and retail commercial).

(C) Cluster housing may be approved by the Planning Commission; provided that, the average land area per dwelling unit is not less than the corresponding regular zoning district.

(Prior Code, Ch. XV, § 12C.02) (Ord. 2001-1, passed 7-17-2001)

§ 157.237 USE REGULATIONS.

Planned unit development (PUD), as defined in § 157.005 of this chapter, as approved by the Planning Commission and authorized by the Township Board, provides the following.

(A) No PUD shall be permitted on a tract of land less than ten contiguous acres under single ownership and for which an application for zone change to PUD District is made as hereinafter provided.

(B) The Planning Commission may require any PUD to contain open spaces for the following purposes:

- (1) Unimproved open areas retain in a natural state and intended for the preservation of natural amenities of sensitive environmental areas;
- (2) Improved and maintained open areas containing vegetation and trees intended to buffer or screen adjacent lands;
- (3) Improved and maintained open areas designed and designated for recreational out-of-doors use; and
- (4) Areas designated for the accommodation of storm water run-off.

(C) Areas to be considered for PUD shall be located in places where it is expected, based on Planning Commission studies, plans or projections, that public utilities will be available within a reasonable period of time sufficient to support the PUD as might be needed.

(D) The developer shall furnish all necessary private or public water and sanitary sewer facilities within the proposed development.

(E) A preliminary PUD development plan and a site plan shall be required with all requests for zoning or re-zoning of lands for PUD use. The preliminary PUD development plan shall include:

(1) A written school impact statement shall be included as part of the PUD development plan and shall include the following:

- (a) The anticipated impact of the residential development on public schools based upon acceptable estimates of family size per dwelling unit and including the walking distances to such schools and/or the anticipated need for busing of students; and
 - (b) The written statement shall be reviewed by the appropriate responsible school officials and their written opinion shall be required.
- (2) A traffic impact study including an evaluation from the County Road Commission;
- (3) The approximate topography; both pre-construction and post-construction;
- (4) All proposed and existing structure location and open spaces;
- (5) The type and number of all dwellings and non-residential structures;
- (6) The location of proposed streets, access points, walkways, parking facilities and public use areas or facilities;
- (7) PUD development plans shall give priority to underground installation of utilities including telephone, electricity, television cables and the like;
- (8) A written plan for the provisions of adequate police and fire protection shall be made a part of the PUD development plan. That portion of the PUD plan shall be reviewed by the appropriate agency(s) or municipalities providing such services and their endorsement of the plan shall be required; and
- (9) Written agreement with the appropriate municipal utility authority or the County Health Department stating the approval or the intention to provide private or public water and sanitary sewer facilities within the proposed development.

(F) Such documents shall include:

- (1) The character of the proposed development and the manner in which it has been designed to take advantage of the PUD concept;
- (2) The proposed provisions for sanitary sewer facilities, water supply and surface drainage;
- (3) The manner and means of financing;
- (4) The proposed conditions of ownership of all lands and facilities within the PUD area including options, easements, covenants and the like and methods and provisions for maintenance of buildings, facilities and open spaces; and
- (5) The expected phasing and scheduling of development.

(Prior Code, Ch. XV, § 12C.03) (Ord. 2001-1, passed 7-17-2001)

§ 157.238 PROCEDURE FOR APPLICATION AND PUD ADMINISTRATION.

(A) *Concept plan review.* Any parties who request a re-zoning to PUD are required to address the Planning Commission, by appointment, to present their preliminary ideas regarding a proposed PUD. At that time, the requirements and procedures for the PUD may be clarified and the applicant can be informed of the general intent of the Planning Commission.

(B) *Applications.* All applications for PUD re-zoning shall be in accordance with the application procedures for site plan review as required by §§ 157.315 through 157.332 of this chapter.

(C) *Advisory public hearing.* In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such hearing, the Planning Commission shall give notice as required by the state law for re-zoning.

(D) *Public hearing on final development plan.* The Planning Commission shall hold a public hearing on the final development plan and the application for re-zoning in accordance with the plan. The giving of public notice for the public hearing and the convening of the hearing shall proceed in the same manner and in accordance with all the requirements of a public hearing by the Planning Commission for a re-zoning of lands within the township, as set forth in the Township Rural Zoning Act and this chapter.

(1) A final PUD development plan shall be approved by the Planning Commission and the Township Board prior to commencement of any construction, alteration or excavation related to the PUD. The final PUD development plan shall include:

- (a) Final drafts of legal documents and agreements, including drafts of proposed deeds of dedication and other legal documents necessary for the transfer of land and structures to public and common ownership and the maintenance and resale, lease, sub-lease or repurchase of same thereafter;
- (b) Estimates of the cost of maintenance of common facilities and means of financing;
- (c) Evidence that all required federal, state and local permits have been filed; and
- (d) A final statement and map indicating the proposed time schedule of development.

(2) All re-zoning to PUD shall be considered an amendment to this chapter and shall proceed as provided in §§ 157.405 through 157.407 of this chapter; except that, four copies of the preliminary plan, as specified in § 157.237 of this chapter shall accompany the application for re-zoning or PUD approval a minimum of 30 days prior to the scheduled meeting.

(3) In addition to the standard fee charged for petition for an amendment to this chapter as previously set by the Township Board, and as may be amended from time to time, the applicant will be required to comply with any escrow account policy which may be established by the Township Board, and may be amended from time to time.

(4) Once re-zoning to PUD District has been executed by the Township Board and approval of the amendment has been made by the State Office of Land Use the applicant may apply for a zoning permit as specified in § 157.367 of this chapter. No building permit shall be issued by the Building Official until the final PUD development plan has been approved as specified in § 157.238(A) of this chapter.

(5) Once a zoning permit has been obtained, the owner or developer may begin construction of the proposed development in conformance with the provisions of this chapter.

(6) All applications, plans, written proposals and documents required by this subchapter shall be submitted in a minimum of four copies by the applicant to the Planning Commission.

(7) Identification of the limits of any required “natural vegetation zone” and/or “transition zone” adjacent to a riparian feature, as established by the riparian area protection standards contained in §§ 157.420 through 157.425.

(Prior Code, Ch. XV, § 12C.05) (Ord. 2001-1, passed 7-17-2001; Ord. passed - -2007)

§ 157.239 ADDITIONAL PROVISIONS REGARDING PUDS.

(A) *Special provisions.* All of the provisions of the zoning and other ordinances of the township shall control in the PUD District, except where inconsistent with said PUD District, in which case the provisions of the PUD District shall supersede and control any other provisions.

(B) *Imposed conditions.* The Planning Commission may impose certain conditions or reasonable undertakings to be performed by the applicant to guarantee and assure by agreement, that the PUD District will be fulfilled and the adequate standards necessary to protect the health, safety and welfare of residents will be insured. Such conditions may include a performance bond to insure that the development plan will be executed as approved.

(C) *Time limitations.* Each approved PUD must commence construction within one year after the date of final approval by the Township Board. The Township Board may approve an extension of time provided the developers present evidence of meritorious reason for the delay such as, but not limited to, lack of labor or materials, contract delays and the like. Without such extension of time, all authorization shall be invalid and void and all land shall revert to original zoning.

(Prior Code, Ch. XV, § 12C.06) (Ord. 2001-1, passed 7-17-2001)

PARKING AND LOADING SPACES

§ 157.250 GENERAL.

In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

<i>Use</i>	<i>Minimum Parking Spaces Required</i>
<i>Use</i>	<i>Minimum Parking Spaces Required</i>
Banks, business offices and public buildings not specifically mentioned elsewhere	1 for each 150 square feet of floor area
Bowling alleys	8 for each alley
Churches	1 for each 4 seats in the main worship unit
Community center	1 for each 100 square feet of assembly floor area
“Drive-in” establishments	8 for each 125 square feet of ground floor area
Dwellings	2 spaces for each dwelling unit
Homes for senior citizens	1 for each 3 beds
Hospitals, institutions and clinics	2 for each patient bed
Hotels	1 for each 2 guest rooms
Libraries, museums and Post Offices	1 for each 100 square feet of floor area
Lodging, rooming and boarding houses	2 for each 3 guest rooms or each 6 beds for guests, whichever amount is greater
Marinas	2 for each slip or mooring
Medical doctors office or dental clinic	8 for each doctor, plus 1 for each employee
Mortuaries or funeral homes	1 for each 50 square feet of floor area used for services
Motels and tourist homes	1 for each sleeping room
Private clubs and lodges	1 for each 5 active members and 1 for each employee with a minimum of 1 for each 100 square feet of floor area
Private, elementary and junior high schools	2 for each 3 employees normally engaged in or about the buildings and grounds, plus 1 for each 8 auditorium seats
Professional offices and buildings	1 for each 200 square feet of floor area
Restaurants, grills, dining rooms, dairy bar, soda fountain	1 for each 2 seats
Sanitariums or convalescent or nursing homes	1 for each 2 beds
Senior high schools and institutions of higher learning	2 for each 3 employees normally engaged in or about the buildings and grounds and 1 additional for each 4 students enrolled in the institution
Taverns and bars	2 for each 3 seats, but no less than 40 spaces in any event
Theaters, auditoriums, stadiums	1 for each 4 seats
Use groupings:	

(1) Retail stores, supermarkets, department stores, personal service shops-general business	1 for each 100 square feet of floor area in the basement and on the first floor used for retail sales and 1 for each 400 square feet of floor area on the second floor used for retail sales and 1 for each 600 square feet of floor area on the third floor used for retail sales and 1 for each 800 square feet of floor area on any additional floors used for retail sales
(2) Business offices and/or research laboratories and/or similar uses	1 for each employee on the maximum shift or peak employment period
(3) Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, but not necessarily connected to a manufacturing or industrial building	1 for each 3 employees on the maximum shift or peak employment period
(4) Other uses not mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is terms of parking demand shall apply
(5) Mixed uses in the same building	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space of 1 use shall not be considered as providing required spaces for any other use, except as to churches and auditoriums incidental to public and parochial schools permitted herein

(Prior Code, Ch. XV, § 13.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.251 JOINT USE OF FACILITIES.

Provisions of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

(Prior Code, Ch. XV, § 13.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.252 LOCATION OF FACILITIES.

Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve:

(A) For all residential buildings and for all non-residential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve; and

(B) For commercial and all non-residential buildings and uses in commercial and industrial zoning districts, required parking shall be provided within 300 feet.

(Prior Code, Ch. XV, § 13.03) (Ord. 1977-1, passed 10-10-1977)

§ 157.253 SIZE OF PARKING SPACE.

Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of ten feet in width.

(Prior Code, Ch. XV, § 13.04) (Ord. 1977-1, passed 10-10-1977)

§ 157.254 REQUIREMENTS FOR PARKING AREAS.

Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot and accessory parking areas for multiple dwellings, businesses, public assembly and institutions, shall be developed and maintained in accordance with the following requirements.

(A) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces a private dwelling in any R or AG Zoning District, a greenbelt ten feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season or other suitable screening device.

(B) The parking lot and its driveway shall be:

- (1) Designed to provide adequate drainage;
- (2) Surfaced with concrete or asphalt pavement or other suitable materials; and
- (3) Maintained in good condition, free of dust, trash and debris.

(C) The parking lot and its driveways shall not be used for repair, dismantling or servicing of any vehicles.

(D) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.

(E) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.

(F) No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten feet to the street right-of-way.

(Prior Code, Ch. XV, § 13.05) (Ord. 1977-1, passed 10-10-1977)

§ 157.255 OFF-STREET LOADING SPACES.

(A) For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses require the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

- (1) An area of means adequate for maneuvering and ingress and egress for delivery vehicles; and
- (2) Off-street loading spaces in relation to floor areas as follows:
 - (a) Up to 20,000 square feet: one space;
 - (b) Twenty thousand or more, but less than 50,000 square feet: two spaces; and
 - (c) One additional space for each additional 50,000 square feet or fraction thereof.

(B) Each such loading space shall be at least ten feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any R Zoning District.

(Prior Code, Ch. XV, § 13.06) (Ord. 1977-1, passed 10-10-1977)

SITE CONDOMINIUM PROJECTS

§ 157.270 PURPOSE AND SCOPE.

(A) Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirements of this subchapter and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets and other areas available for use by all owners of condominium units within the project.

(B) This subchapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium project plans to ensure that site condominium projects comply with this subchapter. Site condominium projects may be approved as provided by this subchapter only for the support of land uses that are permitted in the zoning district in which the project is proposed.

(Ord. 3-2004, passed 8-9-2004)

§ 157.271 STEP 1 - REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION.

(A) Prior to final review and approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this subchapter.

(B) Application for review and approval of a site condominium project plan shall be initiated by submitting to the Township Clerk:

(1) A minimum of 13 copies of a preliminary site condominium project plan which complies with the final site plan content requirements of §§ 157.320, 157.321 and 157.323 of this chapter; and

(2) An application fee in accordance with the fee schedule established by resolution of the Township Board. The Township Clerk shall forward the copies of the preliminary plan to the Planning Commission.

(C) The full Planning Commission shall review the preliminary site condominium project plan in accordance with the applicable standards and requirements contained in §§ 157.315 through 157.332 of this chapter and in accordance with the following additional standards and requirements.

(1) In its review of a site condominium project plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design or other aspects of the proposed project.

(2) Prior to acting on a preliminary site condominium project plan, the Planning Commission will hold a public hearing thereon. Notice of the time and place of the hearing will be mailed to the proprietor and to the owners of land immediately adjoining the land to be developed and to those owning land and/or occupying structures within 300 feet of the proposed project land area. The notice will be mailed in advance of the hearing and specify the place, time and date of the hearing. The notice will be given not less than five, nor more than 15, days before the date of the meeting. Such notice will also be published in a newspaper of general circulation within the township not less than five days before the hearing.

(D) Prior to making a recommendation on a preliminary plan, the Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the County Health Department, County Road Commission, County Drain Commission, State Department of Environmental Quality, State Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.

(Ord. 3-2004, passed 8-9-2004)

§ 157.272 PLANNING COMMISSION RECOMMENDATION.

After reviewing the preliminary site condominium project plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

(Ord. 3-2004, passed 8-9-2004)

§ 157.273 STEP 2 - REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD.

(A) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of ten copies of a final site condominium development plan which complies with the requirements of §§ 157.320, 157.321 and 157.322 of this chapter. The Township Clerk shall forward the copies of the final plan to the Township Board.

(B) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for the changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan that was reviewed by the Planning Commission. Major changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission and will necessitate a second preliminary review as provided by this subchapter prior to approval of the plan by the Township Board.

(C) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the procedures, standards and requirements provided or referenced by this subchapter.

(D) As a condition of approval of a final site condominium project plan, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the township as provided by § 16(f) of the Township Rural Zoning Act.

(Ord. 3-2004, passed 8-9-2004)

§ 157.274 SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND REQUIRED IMPROVEMENTS.

(A) *Conformance with zoning.* All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of this subchapter for that zoning district in which it is located. The building site for each site condominium unit shall comply with all applicable provisions of this subchapter, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side or rear boundary of the building envelope.

(B) *Streets.* All site condominium subdivision lots shall be served by a road system constructed in accordance with the regulations of the County Road Commission or with private streets constructed under the standards of the township. All streets shall be paved and all public streets shall be developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the County Road Commission. Private streets shall be limited in extent and may serve a maximum of ten units or building sites within a site condominium project. All private streets in a site condominium project shall be reviewed and developed in compliance with the minimum design, construction, inspection and maintenance standards of § 155.07(E)(2)(a) through (E)(2)(e) of this code of ordinances; except that, the surface of such streets shall consist of five inches of M.D.O.T. spec. 6.09 concrete or two and one-half inches of M.D.O.T. spec. 4.00 asphalt surface.

(C) *Water, sanitary sewer, storm drainage and private utilities.*

(1) The site condominium project shall be connected to the township's water and sanitary sewer facilities, if available. If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the County Department of Health and the Township Board in accordance with applicable standards.

(2) All telephone, electric, gas, cable television utilities, when provided, shall be installed underground within casements dedicated for such use.

(3) Storm drainage collection, retention and detention facilities shall be constructed to County Drain Commission standards and recommendations.

(D) *Other required improvements.*

(1) Monuments shall be located in the ground at all angles along the boundaries of the site condominium subdivision. These monuments shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

(2) All corners of lots within a site condominium subdivision shall be staked in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter or other markers as approved by the Township Building Inspector.

(3) Consistent with the requirements for subdivision development accomplished under Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, being the State Land Division Act, as amended, and Ch. 156 of this code of ordinances, the requirements for subdivision design and subdivision improvements such as sidewalks, street trees, street lights as outlined in §§ 156.035 through 156.043 and 156.055 through 156.059 of this code of ordinances shall be applied to site condominium projects unless specifically waived by the Township Board.

(E) *Law.* The requirements, procedures, regulations and powers set forth in the Condominium Act, Public Act 59 of 1978, Being M.C.L.A. §§ 559.101 through 559.272, as amended, shall apply except as provided by this subchapter.

(F) *Inspections and specifications.* The Township Board may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this subchapter. All plans and installation of improvements called for shall be subject to the approval of the township or its agent, or such other competent persons as designated by the township. The applicant shall pay all inspection fees before the Township Supervisor signs the final plan, unless adequate sureties or deposits to cover such expenses are provided to the township prior to final plan approval.

(G) *Variances.*

(1) *Building site area, width and depth regulations.* Variances with respect to individual building site width, depth and area regulations governed by the district regulations of the Zoning District in which the site condominium project is located shall be made to the Zoning Board of Appeals pursuant to the procedures, rules and conditions contained in this subchapter.

(2) *Applications.* The petitioner shall make applications for any variance or planned development in writing at the time when preliminary plan is filed for the consideration of the Planning Commission. The application shall state fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission or Zoning Board of Appeals in the analysis of the proposed variance.

(H) *Protected and uninhabitable areas.* For properties affected by the riparian area protection overlay zone as delineated on the “riparian areas protection overlay map,” and the official zoning map, master deed provisions and restrictive covenants shall include the following statement: “There shall be no clearing, grading, placement of fill, construction or disturbance of vegetation within any lot (unit), out-lot, park or common area labeled “natural vegetation zone” or “transition zone” as it appears on the exhibit (insert letter designation) drawings of this development except as permitted by §§ 157.420 through 157.425.”

Ord. 3-2004, passed 8-9-2004; Ord. passed - -2007)

§ 157.275 CONTENTS OF FINAL SITE CONDOMINIUM PROJECT PLANS.

A final site condominium project plan shall include the documents and information required by § 66 of the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, and §§ 157.320, 157.321 and 157.322 of this chapter as determined necessary by the Planning Commission for review of a preliminary plan or by the Township Board for review of a final plan, and shall otherwise include the following:

- (A) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed;
- (B) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities;
- (C) A narrative describing the overall objectives of the proposed site condominium project;
- (D) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities;
- (E) A street construction, paving and maintenance plan for all public and private streets within the proposed condominium project;
- (F) A complete list of other review and approval agencies and copies of all comments, recommendations and letters of approval of any agencies of the county, state or federal government having jurisdiction over any element of the plan or its construction; and
- (G) Street and site grading, storm drainage and storm water management construction plans, including all lines, swales, drains, basins and others facilities and easements proposed to be granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- (H) Identification of the limits of any required “natural vegetation zone” and/or “transition zone” adjacent to a riparian feature, as established by the riparian area protection standards contained in §§ 157.420 to 157.425.

(Ord. 3-2004, passed 8-9-2004; Ord. passed - -2007)

§ 157.276 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN.

No buildings or structures shall be constructed, nor shall any other site improvements or changes be made, on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan as approved by the Township Board, including any conditions of approval.

(Ord. 3-2004, passed 8-9-2004)

§ 157.277 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS.

After an application for preliminary plan approval for a site condominium project has been submitted as provided under § 157.271 of this chapter, no construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued by the Building Inspector for a site condominium project until:

- (A) A final site condominium project plan has been approved by the Township Board;
- (B) All conditions to commencement of construction imposed by the Township Board have been met; and
- (C) All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

(Ord. 3-2004, passed 8-9-2004)

§ 157.278 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS.

Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards and requirements of this subchapter.

(Ord. 3-2004, passed 8-9-2004)

§ 157.279 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS.

Any change proposed in connection with a project for which the Township Board has previously approved a final site condominium project plan shall be subject to review as provided by this section.

- (A) Any change that constitutes a major change shall be reviewed by the Planning Commission and reviewed and approved by the Township Board as provided by this subchapter for the original review and approval of preliminary and final plans.
- (B) Any change that constitutes a minor change shall be reviewed and approved by the Planning Commission alone, without the need for a public hearing.
- (C) Any change which constitutes an exempt change shall not be subject to review by the township under this subchapter, but a copy of the changes proposed (and of the changes made, if different than proposed) shall be filed with the Township Clerk.

(Ord. 3-2004, passed 8-9-2004)

§ 157.280 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.

(A) All provisions of a final site condominium project plan which are approved by the Township Board as provided by this subchapter shall be incorporated by reference in the master deed for the site condominium project.

(B) Further, all major changes to a project shall be incorporated by reference in the master deed.

(C) A copy of the master deed as filed with the County Register of Deeds for recording shall be provided to the township within ten days after filing the plan with the county.

(Ord. 3-2004, passed 8-9-2004)

§ 157.281 APPROVAL EFFECTIVE FOR ONE YEAR.

(A) No approval of a final site condominium project plan by the Township Board shall be effective for a period of more than one year, unless construction of the project commences within that one year period and diligently pursued to completion in accordance with the terms and conditions of the approval.

(B) The Board in its discretion may extend this one-year period for additional periods of time as determined appropriate by the Board if the applicant applies for the extension within the effective period of the approval.

(Ord. 3-2004, passed 8-9-2004)

§ 157.282 EXEMPTION OF EXISTING PROJECT.

(A) This subchapter shall not apply to a site condominium project which is determined by the Township Board to have met the following conditions as of the effective date of this subchapter (an “existing” project):

(1) A condominium master deed was recorded for the project with the County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances; and

(2) The project fully complied with all other applicable requirements under township ordinances in effect on the date when the condominium master deed was recorded.

(B) (1) The exemption provided by this section shall apply only to an existing project as described in the condominium master deed recorded for the project on the effective date of this subchapter, including any subsequent change which would constitute:

(a) Exempt change, whether or not the Condominium Act would require an amendment of the master deed as a result of the change; or

(b) A minor change for which the Condominium Act would not require an amendment of the master deed.

(2) However, this exemption shall not apply to any subsequent expansion, conversion or re-platting of the project, or subsequent major change to the project, which shall be fully subject to the applicable review and approval requirements as provided by this subchapter.

(Ord. 3-2004, passed 8-9-2004)

§ 157.283 DEFINITIONS.

(A) For purpose of determining compliance with the applicable requirements of this subchapter (including, without limitation, height, area, yard and density requirements) or with other applicable laws, ordinances, rules or regulations, a “building site” shall be considered to be the equivalent of a “lot” as defined in § 157.005 of this chapter.

(B) Except as otherwise provided by this subchapter, all words and phrases used in this subchapter which are specifically defined in the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, shall have the meanings given to them in the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, including, but without limitation, common elements, condominium unit, general common elements and master deed.

(C) For the purpose of this subchapter only, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING ENVELOPE. The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as describe in the master deed for the site condominium project. In a single-family residential site condominium project, the **BUILDING ENVELOPE** refers to the area of each condominium unit within which the dwellings and any accessory structures may be built.

BUILDING SITE. An area within a site condominium project which may be either:

(a) The area within the site condominium unit itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

(b) The area within the site condominium unit itself (as describe in division (a) above), together with the area of any contiguous and appurtenant limited common element.

CONDOMINIUM ACT. Public Act 59 of 978, , being M.C.L.A. §§ 559.101 through 559.272, as amended, or a successor state public act having the same or similar regulatory purpose, as amended.

LIMITED COMMON ELEMENT. An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

SITE CONDOMINIUM. A condominium unit established in compliance with the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

SITE CONDOMINIUM PROJECT. A project consisting of not less than two site condominium units which are established and regulated pursuant to the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272.

SITE CONDOMINIUM PROJECT PLAN. The plans, drawings and information prepared for a site condominium project as required by and described in the Condominium Act, being M.C.L.A. §§ 559.101 through 559.272, including, but without limitation, § 66 of that Act, and as required by and described in this subchapter for site plan review and possible site plan approval for the site condominium project by the Planning Commission and the Township Board.

(D) The definitions assigned to words and phrases elsewhere in this chapter shall also apply in this subchapter.

(Ord. 3-2004, passed 8-9-2004)

§ 157.284 EFFECTIVE DATE.

This subchapter was approved and adopted by the Township Board on 8-9-2004, after a public hearing as required pursuant to Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended. This subchapter shall be effective on the eighth day after publication as required in § 11a of Public Act 184 of 1943, as amended. This effective date shall be extended as necessary to comply with the requirements of § 12 of Public Act 184 of 1943, as amended.

(Ord. 3-2004, passed 8-9-2004)

NON-CONFORMING USES, BUILDINGS OR STRUCTURES**§ 157.300 CONTINUANCE OF NON-CONFORMING USES, BUILDINGS OR STRUCTURES.**

Except where specifically provided to the contrary, and subject to the provisions of this chapter, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this chapter, or in the case of an amendment of this chapter, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this chapter or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this chapter, a building or structure which is existing and lawful on the effective date of this chapter or, in the case of an amendment of this chapter, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this chapter or any amendment thereto.

(Prior Code, Ch. XV, § 14.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.301 EXPANSION.

(A) Structures, buildings or uses non-conforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized; provided, there is compliance with all height, area and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization. Any use of a building or structure which is non-conforming by reason of parking and loading provisions and which is thereafter made non-conforming or less non-conforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking and/or loading space.

(B) No non-conforming use of any building or structure or of any land or premises which is non-conforming for reasons other than height, area, and/or parking and loading space provisions shall hereafter be extended or enlarged:

- (1) Unless all extensions or enlargements do not exceed 50% of the area of the original non-conforming use; and
- (2) Unless such extensions or enlargement is authorized by the Planning Commission as a special use.

(C) In considering such authorization, the Planning Commission shall consider the following standards:

- (1) Whether the extension or enlargement will substantially extend the probable duration of such non-conforming use; and
- (2) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this chapter.

(Prior Code, Ch. XV, § 14.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.302 RESTORATION AND REPAIR.

(A) All repairs and maintenance work required to keep a non-conforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any non-conforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed one-half of the value of the non-conforming building or structure after the rebuilding or restoration is complete. In the event any non-conforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds one-half of the value of the building or structure after rebuilding is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Planning Commission as a special use.

(B) In considering such authorization, the Planning Commission shall consider the following standards:

- (1) Whether such rebuilding or restoration will substantially extend the probable duration of the non-conforming use; and
- (2) Whether or not land previously occupied by the non-conforming use can be advantageously used for a use permitted in the applicable zoning district.

(Prior Code, Ch. XV, § 14.03) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001) Penalty, see § 157.999

§ 157.303 CHANGE OR DISCONTINUANCE.

The non-conforming use of a building or structure or of any land or premises shall not be:

- (A) Changed to any other non-conforming use; and
- (B) Re-established after discontinuance, vacancy, lack of operation or otherwise for a period of nine months.

(Prior Code, Ch. XV, § 14.04) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.304 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF CHAPTER.

Any building or structure shall be considered existing and lawful and for purposes of § 157.300 of this chapter to have been in use for the purpose for which constructed if on the effective date of this chapter, a building permit has been obtained therefor, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

(Prior Code, Ch. XV, § 14.05) (Ord. 1977-1, passed 10-10-1977)

SITE PLAN REVIEW

§ 157.315 INTENT AND PURPOSE.

(A) (1) This subchapter establishes standards and requirements for the review and approval, by the Planning Commission, of site plans.

(2) As used in this subchapter, *SITE PLAN* includes the documents and drawings, as specified by this subchapter, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities and the public health, safety and welfare.

(B) The standards and requirements provided by this subchapter shall be in addition to those required elsewhere in this chapter that are applicable to the use or activity under consideration.

(C) The intent of this subchapter is to provide for consolation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his, her or their objectives in the utilization of his or her land within the regulations of this chapter and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses and environment in the immediate area and vicinity.

(Prior Code, Ch. XV, § 12D.01) (Ord. 2001-1, passed 7-17-2001)

§ 157.316 USES REQUIRING SITE PLAN APPROVAL.

The construction, reconstruction, extension, enlargement or movement of the following buildings, structures and uses shall require site plan approval by the Planning Commission. The Zoning Administrator shall not issue a zoning permit for any land uses requiring a special land use permit under this chapter, or as required in this chapter until a site plan has been reviewed and approved by the Planning Commission:

(A) Commercial buildings/structures/uses;

(B) Industrial buildings/structures/uses;

(C) Essential services;

(D) Mobile home parks;

(E) Multi-family dwellings;

(F) Parking areas containing six or more parking spaces. Any expansion of existing parking areas containing six or more spaces shall require a site plan review, if the parking area is within 100 feet of any residential district or it ingress/egress or any other traffic circulation modifications are made;

(G) Planned units (PUDs);

(H) Site condominium subdivisions;

(I) Special land uses; and

(J) If an existing permitted land use is changed to another permitted land use that requires additional parking according to the schedule of parking requirements, such additional parking shall be required and site plan approval from the Planning Commission shall also be required.

(Prior Code, Ch. XV, § 12D.02) (Ord. 2001-1, passed 7-17-2001)

§ 157.317 APPLICATION PROCEDURES.

(A) An application for site plan review, plus either a preliminary or final site plan shall be submitted 21 days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit the application and plans to the Planning Commission.

(B) Incomplete applications will not be forwarded for consideration.

(Prior Code, Ch. XV, § 12D.03) (Ord. 2001-1, passed 7-17-2001)

§ 157.318 PRELIMINARY PLAN REVIEW.

(A) Preliminary plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedures is to allow discussion between the applicant and the township, to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering cost and other costs which might be necessary for final site plan approval.

(B) Such plans shall include the following as deemed necessary by the Zoning Administrator:

(1) Legal description of the property;

(2) Small-scale sketch of properties, streets and use of land within one-half mile of the area;

(3) A generalized map showing any existing or proposed arrangements of:

(a) Streets;

(b) Lots;

(c) Access points;

(d) Other transportation arrangement;

(e) Buffer strips screening;

(f) Natural characteristics, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests and similar natural assets;

(g) Signs, location and lighting; and

(h) Buildings.

(4) A narrative describing:

(a) The overall objectives of the proposed developments;

(b) Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives and open space;

(c) Dwelling unit densities by type;

(d) Proposed method of providing sewer and water service, as well as other public and private utilities;

(e) Proposed method of providing storm drainage; and

(f) Proposed method of revegetating open sand areas, both pre-existing and newly created, to a stable condition.

(C) In addition to the above, said applicant shall submit the site plan review fee in accordance with the established fee schedule to cover normal and specially incurred expenses of the review.

(Prior Code, Ch. XV, § 12D.04) (Ord. 2001-1, passed 7-17-2001)

§ 157.319 REVIEW OF PRELIMINARY SITE PLAN.

(A) The Zoning Administrator will review the preliminary site plan and make recommendations to the Planning Commission.

(B) The Zoning Administrator may request review comments from the township officials such as Police, Fire Chief and Assessor and base recommendations on their comments, as well as the purposes, objectives and requirements in this subchapter and, specifically, the following considerations when applicable:

(1) Ingress and egress through the property and proposed structures thereon with reference to motor vehicle and pedestrian safety and convenience, traffic flow and control and access in case of fires, catastrophe or emergency;

(2) Off-street parking and loading areas where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development;

(3) Sewer, water and storm drainage with reference to locations, availability and compatibility;

(4) Screening and buffering with reference to type, dimensions and character;

(5) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties;

(6) Required yards;

(7) General compatibility with adjacent properties; and

(8) The general purpose and spirit of this chapter and the Township Master Plan.

(Prior Code, Ch. XV, § 12D.05) (Ord. 2001-1, passed 7-17-2001)

§ 157.320 FINAL SITE PLAN REVIEW.

(A) Final site plan review is mandatory. Preliminary sketches of proposed site development plans may be submitted as provided above.

(B) Final site plans shall contain the following information:

(1) The date, north arrow and scale. The scale shall be at least one inch equals 20 feet for property under three acres and one inch equals 100 feet for those properties that are three acres or more;

(2) The name and address of the individual or firm responsible for the preparation of the site plan;

(3) The name and address of the property owner or petitioner; and

(4) A locational sketch drawn to scale.

(Prior Code, Ch. XV, § 12D.06) (Ord. 2001-1, passed 7-17-2001)

§ 157.321 EXISTING INFORMATION.

The following existing information must be shown and properly dimensioned:

(A) All lot and/or property lines, including building setback lines on corner lots;

(B) The locations and height of all existing structures on or within 100 feet of the subject property's boundary;

(C) The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas and areas for public use and purpose;

(D) The location, pavement width and right-of-way width the of all abutting roads, streets, alleys or easements;

(E) The location, height and types of fences, walls and landscaping;

(F) The location extent and character of all utilities, including connections to public sewer, water or storm drainage systems;

(G) The location, extent and character of all surface water drainage facilities; and

(H) For multi-family developments and parking areas with six or more spaces, contour intervals shall be shown (two-foot intervals for average slopes 10% and under and five-foot intervals for slopes over 10%). Topography, however, may be required on all site plans at the discretion of the Planning Commission.

(Prior Code, Ch. XV, § 12D.07) (Ord. 2001-1, passed 7-17-2001)

§ 157.322 PROPOSED INFORMATION.

The following proposed information must be shown and properly dimensioned:

- (A) The location and height of all proposed structures on and within 100 feet of the subject property's boundary;
- (B) The location and dimensions of all proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas and areas to be conveyed for public use and purpose;
- (C) The location, pavement width and right-of-way width of all proposed roads, streets, alleys or easements;
- (D) The proposed zoning changes for the subject property or abutting properties;
- (E) The proposed location, height and types of fences, walls and landscaping;
- (F) The proposed location, extent and character of all utilities, including proposed connections to public sewer or water systems;
- (G) All proposed surface water drainage facilities; and
- (H) For multi-family developments and parking areas with six or more spaces, altered contour intervals shall be shown (two-foot intervals for average slopes 10% and under and five-foot intervals for slopes over 10%). Contour changes, however, may be requires on all site plans at the discretion of the Planning Commission.

(Prior Code, Ch. XV, § 12D.08) (Ord. 2001-1, passed 7-17-2001)

§ 157.323 REVIEW PROCEDURE.

- (A) The applicant shall submit his or her proposal to the Zoning Administrator by letter which shall be accompanied by a sketch of the proposed use or structure.
- (B) The Zoning Administrator shall provide the applicant with the proper documents and instructions for completion of a site plan application.
- (C) The Planning Commission may adopt procedures to encourage preliminary, informal review of proposed site plans with the applicant. The preliminary review shall not, however, effect the applicability of the standards and requirements for formal approval of site plans as required by this chapter.
- (D) The proposed Site Plan shall be submitted in three copies to the Zoning Administrator, who shall keep one copy and deliver two copies to the Chairperson of the Planning Commission.
- (E) With 60 days of its submittal to the Zoning Administrator, the Planning Commission, except as noted in § 157.324 of this chapter, shall review the site plan and shall either approve, approve with conditions or disapprove the proposed site plan in accordance with this chapter and applicable provisions of this chapter. The basis for the decision and any conditions imposed relating to an affirmative decision shall be specified in the resolution of the Planning Commission approving or denying the site plan. If approved or approved with conditions, the site plan, as approved, shall become part of the record of approval, after a decision of either approval or denial, the Planning Commission shall submit its action in writing to the applicant indicating either approval with any changes where agreed upon by the Planning Commission, or denial with reasons for denial.
- (F) Upon approval of site plan, at least two copies of the site plan, as finally approved, shall be signed and dated by the Chairperson of the Planning Commission. One copy of the signed site plan shall be kept on file with the Zoning Administrator and the other shall be returned to the applicant.
- (G) For all site plan prepared on a computer, a single diskette copy shall be provided to the Zoning Administrator in digital format.

(Prior Code, Ch. XV, § 12D.09) (Ord. 2001-1, passed 7-17-2001)

§ 157.324 TOWNSHIP BOARD REVIEW OF PRELIMINARY SITE PLANS FOR CERTAIN LAND USES.

- (A) The Township Board shall review the preliminary site plans for the following special land uses:
 - (1) Public and private sanitary landfills;
 - (2) Planned unit developments (PUDs);
 - (3) Condominium subdivisions;
 - (4) Mobile home parks;
 - (5) Regional shopping centers; and
 - (6) Refuse, garbage and other incinerators.

(B) The Planning Commission shall transmit the results of its review of the preliminary site plan for the special land use identified in division (A) above to the Township Board. The Township Board shall approve, approve with conditions or deny the submitted site plan. Reasons for denial shall be set forth in writing. The applicant shall be provided a copy of the resolution of the Township Board regarding the preliminary site plan.

(Prior Code, Ch. XV, § 12D.10) (Ord. 2001-1, passed 7-17-2001)

§ 157.325 STANDARDS FOR SITE PLAN REVIEW.

- (A) The Planning Commission shall review the site plan based on the purpose, objectives and requirements of this chapter and on the standards provided by this section. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.
- (B) In reviewing the site plan, the Planning Commission shall specifically consider the following standards, as applicable.

- (1) *Dimensional requirements.* The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks and height restrictions of this chapter.
- (2) *Building arrangement.* The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space and other buildings and structures, existing and proposed. The bulk, location and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of township capacity.
- (3) *Drainage of surface water.* Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development and temporary on-site storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not create ponding.
- (4) *Public access and parking.* The location, availability and compatibility of sewer, water and storm drainage facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
- (5) *Vehicular access and parking.* The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities on excess of township capacity. All buildings and structures shall be accessible by emergency vehicles.
- (6) *Exterior lighting.* All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- (7) *Signs.* The size, location, design and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.
- (8) *Special features.* Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures and similar features shall be located, buffered and/or screened so as to be unobtrusive; so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in sanitary condition.
- (9) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements and to provide visual relief from large monotonous features, such as parking lots.
- (10) *External effects (general).* Noise, odor, light, dust, dirt, smoke or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
- (11) *Compliance with all applicable laws.* The Planning Commission shall not approve a site plan that violates or that is inconsistent with local, state or federal laws or regulations.

(Prior Code, Ch. XV, § 12D.11) (Ord. 2001-1, passed 7-17-2001)

§ 157.326 CONDITIONS OF APPROVAL.

The Planning Commission shall make a decision to approve the request based on the following conditions.

- (A) The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health and general welfare of the people of the township and shall have the authority to make any changes or alterations in submitted plans and modify any requirements and regulations herein prescribed; provided, they are in the best public interest and such that the property may be developed in a reasonable manner; but in so doing, complying with other applicable provisions of this chapter.
- (B) The Planning Commission may impose reasonable conditions upon approval of site plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- (1) The proposed use or structure appears to be in accordance with the intent of the zoning district in which it is located and is architecturally compatible with other conforming uses and structures in the district;
 - (2) Be designed to protect natural resources, health, safety, welfare and 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, or the community as a whole;
 - (3) Be related to the valid exercise of the police power;
 - (4) Be necessary to meet the intent and purpose of this chapter, related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and
 - (5) Adequate off-street parking and loading spaces in accordance with this chapter shall be provided within 150 feet of the proposed use or structure.

(Prior Code, Ch. XV, § 12D.12) (Ord. 2001-1, passed 7-17-2001)

§ 157.327 REGULATIONS.

The following regulations shall apply to all land uses requiring site plan approval.

- (A) The Chairperson of the Planning Commission shall not sign the approved site plan until the applicant has submitted three copies of all permits that may be required by the county or the state for the construction of the use, such as but not limited to, permits for on-site wastewater disposal and permits required under the Soil Erosion and Sedimentation Act, Public Act 346 of 1972, and the Wetland Protection Act, Public Act 203 of 1979.

(B) The construction of improvements shall not commence for any development that requires a site plan approval until an approved site plan has been signed by the Chairperson of the Planning Commission.

(C) The Zoning Administrator shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the Chairperson of the Planning Commission.

(D) The Building Inspector shall not issue a building permit for any use requiring site plan approval until an approved site plan has been signed by the Chairperson of the Planning Commission.

(Prior Code, Ch. XV, § 12D.13) (Ord. 2001-1, passed 7-17-2001)

§ 157.328 PERFORMANCE GUARANTEES.

Performance guarantees to assure compliance with the provisions of this chapter and any conditions imposed under this chapter may be required by the Planning Commission at the time of approval of a site plan authorized under § 4E of Public Act 207 of 1921, being M.C.L.A. §§ 125.581 through 125.590, as amended.

(Prior Code, Ch. XV, § 12D.14) (Ord. 2001-1, passed 7-17-2001)

§ 157.329 CHANGES TO SITE PLAN.

Changes to a site plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

(Prior Code, Ch. XV, § 12D.15) (Ord. 2001-1, passed 7-17-2001)

§ 157.330 ENFORCEMENT.

A site plan, approved by the Planning Commission, in connection with use or activity, shall have the full force and effect of this chapter. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the township to order that all construction be stopped and to order that zoning permits, building permits and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the township. In addition, a violation of any approved site plan or failure to comply with any requirements of this section, including conditions of approval, shall be considered a violation of this chapter.

(Prior Code, Ch. XV, § 12D.16) (Ord. 2001-1, passed 7-17-2001)

§ 157.331 APPEALS OF PRELIMINARY SITE PLAN.

(A) Eligibility.

(1) Any person aggrieved by the decision of the Planning Commission or the Township Board in granting or denial of preliminary site plan approval or the Zoning Administrator in granting or denial of final site plan approval, shall have the right to appeal the decision to the Zoning Board of Appeals.

(2) An aggrieved party must allege and prove to the satisfaction of the Zoning Board of Appeals that he or she suffered some special damages not common to other property owners similarly situated. The mere increase in traffic in the area, proof of general economic and aesthetic losses or the mere fact that the appellant owns adjacent property are not sufficient to show special damages.

(B) Appeals process.

(1) The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the Township Clerk within seven days of the decision of the Planning Commission, Township Board or Zoning Administrator.

(2) The Zoning Administrator shall transmit to the Board of Appeals copies of all documents constituting the record of the site plan review.

(3) The Zoning Board of Appeals shall review the appellant's documents and determine if he, she or they are an aggrieved party.

(a) If the Board determines that the appellant(s) is not an aggrieved party, the Board shall note its findings in resolution form, state its reasons and inform the appellant(s) in writing.

(b) If the Board determines that the appellant(s) is an aggrieved party, the Board should note their findings in resolution form, state its reasons and schedule a meeting date to consider whether to confirm or overturn the original decision.

(4) The Zoning Board of Appeals shall review the public record and determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record. The appellant and the appellee may present oral arguments pertaining to the record. The extent of the oral arguments shall be at the discretion of the Chairperson. The Board of Appeals shall decide upon all site plan appeals within a reasonable time, not to exceed 45 days from the date on which the appeal was filed.

(5) The Zoning Board of Appeals shall approve the site plan if requirements of this chapter and other applicable township ordinances are met.

(C) *Stay.* The filing of a site plan appeal shall act to stay the issuance of a final site plan approval, issuances of any certificates of zoning compliance or the issuance of any building permit authorizing improvements on the property which is the subject of appeal.

(Prior Code, Ch. XV, § 12D.17) (Ord. 2001-1, passed 7-17-2001)

§ 157.332 VALIDITY OF FINAL SITE PLANS.

(A) Approval of the final site plan is valid for one year. If actual physical construction of a substantial nature of the on-site utility systems and/or building 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 null and void.

(B) Final site plans whose approval has expired shall be required to be resubmitted and processed as an original application.

(Prior Code, Ch. XV, § 12D.18) (Ord. 2001-1, passed 7-17-2001)

SPECIAL USE PERMITS**§ 157.345 INTENT AND PURPOSE.**

The provisions of this subchapter are intended to set forth the procedures and standards that are applicable to certain land uses, structures or activities classified as special uses. Due to their unique characteristics relative to other uses, special uses shall not be permitted without review and may warrant restrictions or conditions by reasons of their uniqueness or the special problems presented by the use in a particular location or in relation to neighboring properties and/or the community as a whole.

(Prior Code, Ch. XV, § 12B.01) (Ord. 2005-1, passed 5-9-2005)

§ 157.346 SPECIAL USE CLASSIFICATIONS/REVIEW AND APPROVAL AUTHORITY.

(A) Within this subchapter, individual types of special uses are categorized within one of two classes, Class I and Class II. Special uses are created for the purpose of grouping individual special uses based upon their degree of potential impacts upon adjacent property and surrounding community.

(B) Provisions applicable to each class as outlined in this subchapter shall govern each class of special use.

(1) *Class I, Special Use.*

(a) A Class I Special Use Review Committee shall be appointed to review and decide all requests for Class I special use permits as applied for under this subchapter. The Committee shall consist of two members of the Planning Commission and the Township Zoning Administrator. Two alternate members of the Committee shall be appointed by the Chairperson of the Planning Commission from the remaining membership of the Planning Commission. Said appointments shall be made at the first official meeting of the Planning Commission each year.

(b) The Committee shall select from its members its own Chairperson and select a Secretary for the purpose of recording minutes and keeping records of its actions. A quorum of two must be present in order to take any formal action on an application submitted for review of Class I special use permit approval. All meetings of the Committee shall conform to the provisions of the Open Meetings Act, being Act 267 of 1976, being M.C.L.A. §§ 15.261 through 15.275, as amended.

(c) Class I special use include:

1. Home occupation;
2. Camping or the occupancy and use of tents, motor homes and campers on vacant waterfront residential lots; and
3. Youth agricultural projects.

a. *Purpose.* To promote youth in agricultural activities in all zoning districts within the township through organized institutions such as, but not limited to, 4-H and FFA by allowing through special use.

b. *Intent.* This item applies for projects involving raising animals for a limited amount of time such as for a fair or institutional auction or other sanctioned event and excludes pets or long term ownership of animals or livestock not normally permitted within the zoning district.

c. *Consideration.* In reviewing permit applications, the Class I SUP Committee shall consider:

- i. The scope of the project the applicant seeks;
- ii. The zoning district of the parcel;
- iii. Lot size and shape; and
- iv. Potential effect on surrounding properties.

(d) All fees will be waived if an application is requested at a previously scheduled Planning Commission meeting.

(2) *Class II, Special Uses.* Class II special use include the following special uses and shall be approved by the Planning Commission:

- (a) Amusement enterprises in the C-2 District;
- (b) Sexually-oriented business in the C-2 District;
- (c) Keeping of livestock in the R-1A District;
- (d) Kennels in the R-1 District;
- (e) Nursing homes, senior citizen housing and similar group housing in the R-3 District;

(f) Churches, private and public schools, libraries, museums, art galleries, parks, playgrounds, community centers, government service buildings and similar uses when owned by a government agency or non-profit or non-commercial organization;

(g) Any other commercial or industrial use requiring authorization by the Planning Commission as a special use in the C-1, C-2 and I-1 Districts as indicated in §§ 157.151, 157.166 and 157.181 of this chapter;

- (h) Expansion, restoration and repair of legal non-conforming buildings and structures as indicated under §§ 157.301 and 157.302 of this chapter;
- (i) Removal and processing of topsoil, sand, gravel and other minerals in the AG and R-1 Districts;
- (j) Cellular and other wireless communications towers;
- (k) Multi-unit boat access sites and facilities, as defined herein;
- (l) Type B home occupations, as defined in § 157.053 of this chapter in the AG, R-1, R-1 A, R-2 and R-3 Districts; and
- (m) In home adult or child daycare for seven to 12 unrelated individuals.

(Prior Code, Ch. XV, § 12B.02) (Ord. 2005-1, passed 5-9-2005; Ord. 2012-1, passed 11-5-2012; Ord. 2-2014, passed 8-11-2014)

§ 157.347 PROCEDURES.**(A) Notification of request.**

(1) Upon receipt of an application for a special use permit, notice shall be given that a request for special use approval has been received. The notice shall be published in a newspaper, which circulates in the township, and sent by mail or personal delivery to the owners of property, for which approval is being considered, to all persons to whom 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. The notice shall be given not less than 15 days before the date of the meeting that the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure; except that, if a structure contains more than one dwelling unit or special area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or special area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct special 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.

(2) The notice shall:

- (a) Describe the nature of the special use request;
- (b) Indicate the property which is the subject of the special use request;
- (c) State when and where the special use request will be considered and the body that will be considering the application;
- (d) Indicate when and where written comments will be received concerning the request; and
- (e) State when and where the public hearing will be held.

(B) Public hearing. A public hearing shall be held by the Planning Commission prior to a final decision being made regarding any special use.

(C) Public hearing.

(1) A public hearing shall be held by the Planning Commission prior to a final decision being made regarding any Class II special use. A public hearing may be held by the Review Committee regarding any Class I special use. A public hearing shall be held upon request of the applicant or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a Class I special use. If a request for public hearing is made by a property owner or occupant of property within 300 feet, on or prior to the date specified in the first notice, a public hearing shall be scheduled and notified with a second notice. The notice shall be published and delivered and shall contain the same indications as the notifications of a request for special use as provided in division (A) above, with the added information of the time and place for the public hearing.

(2) The public hearing, whether on the initiative of the reviewing body or upon request, shall be held before a decision is made by the approving body.

(D) Decisions. The review body shall, within a reasonable time after review or after public hearing, deny, approve or approve with conditions, the request.

(Prior Code, Ch. XV, § 12B.03) (Ord. 2005-1, passed 5-9-2005; Ord. 2-2014, passed 8-11-2014)

§ 157.348 CONTENTS OF APPLICATION.

(A) All applications for special use permits, shall be in writing, signed and filed with the Planning Commission.

(B) Such application shall include the following:

(1) The applicant's name, address and interest in the property, and the name, address and interest of every person having a legal or equitable interest in the said property;

(2) The circumstances which the applicant believes justify the issuance of the special use permit;

(3) The names of all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and the names and addresses of all occupants of structures within 300 feet;

(4) The nature and effect of the proposed special use permit; and

(5) A written site plan shall be submitted with each application clearly designating the nature and location of the proposed use on the premises.

(Prior Code, Ch. XV, § 12B.04) (Ord. 2005-1, passed 5-9-2005; Ord. 1981-2, passed 12-14-1981)

§ 157.349 GENERAL STANDARDS.

(A) In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving the issuance of special use permits, and other discretionary decisions required to be passed under this subchapter.

(B) The proposed use shall:

(1) Be compatible with adjacent uses of land;

(2) Be consistent with and promote the intent and purposes of this chapter;

(3) Be compatible with the natural environment;

(4) Be consistent with the capacities of public services and facilities affected by the proposed use; and

(5) Protect the public health, safety and welfare.

(Prior Code, Ch. XV, § 12B.05) (Ord. 2005-1, passed 5-9-2005)

§ 157.350 SPECIAL USES ON NON-CONFORMING PARCELS.

(A) As to any parcel not in compliance with the minimum lot size of applicable zoning district, the Planning Commission may authorize as a special use the construction or placement thereon of only one single-family dwelling, or one commercial, or one industrial building and one detached accessory building; provided that:

- (1) Only one non-conforming parcel is thereby created;
- (2) The non-conforming parcel is at least one acre in size in an Agriculture or R-1 District or at least 75% of the minimum lot size in other districts;
- (3) The non-conforming parcel is at least 150 feet wide; and
- (4) The non-conforming parcel is connected to a public water and sewer service or served by water or sewer utilities approved by the County Department of Health.

(B) In considering such authorization, the Planning Commission shall consider the following standards:

- (1) The size, character and nature of the principal and accessory buildings to be erected or placed on the parcel;
- (2) The effect of the proposed use on the adjoining properties and the surrounding neighborhood;
- (3) The extent to which the intended use would interfere with existing or foreseeable agriculture utilization of surrounding property; and
- (4) The present and foreseeable ability of government units to provide necessary services to the parcel.

(Prior Code, Ch. XV, § 12B.06) (Ord. 2001-1, passed 7-17-2001)

ADMINISTRATION AND ENFORCEMENT

§ 157.365 ZONING ADMINISTRATION.

The provisions of this chapter shall be administered and enforced by the Zoning Inspector.

(Prior Code, Ch. XV, § 15.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.366 ZONING INSPECTOR.

(A) The Zoning Inspector shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.

(B) To be eligible for appointment to the post of Zoning Inspector, the applicant must be:

- (1) Generally informed of the provisions of this chapter;
- (2) Have a general knowledge of the building arts and trades; and
- (3) Be in good health and physically capable of fulfilling the duties of the Zoning Inspector.

(C) Said applicant shall have no influence or gainful interest directly in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

(Prior Code, Ch. XV, § 15.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.367 PERMITS.

(A) *Permit required.* No building or structure, except farm buildings in the Agricultural District and Rural Estate District, but not excepting farm dwellings, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except wholly interior alterations or repairs at a cost of \$500 or less, unless a permit therefor has been issued by the Zoning Inspector. An application for a permit shall be in writing and upon duplicate printed forms furnished by the township. A permit issued by the Zoning Inspector is non-transferable and must be obtained before any work, excavations, erection, alteration or movement is commenced. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Inspector and shall be furnished upon request. If the application is approved, the Zoning Inspector shall so mark both copies of the application over his or her signature and file one copy with the Township Clerk and return the other copy to the applicant. The Zoning Inspector shall also provide the applicant with a construction card signed by the Zoning Inspector stating the extent of the work authorized. This card shall be attached to and remain on the lot or premises during the progress of the work authorized.

(B) *Contents of application.*

(1) Each application shall include such reasonable information as may be requested by the Zoning Inspector in order to determine compliance with the terms and provisions of this chapter and shall include, as a minimum, the following information:

- (a) The location and actual dimensions of the lot or premises to which the permit is to apply;
- (b) The kind of buildings or structures to which the permit is to apply;
- (c) The width of all abutting streets;
- (d) The area, size and location of all buildings or structures to which the permit is to apply;
- (e) The type of use to be made of the building or structure to which the permit is to apply;
- (f) The use of buildings or structures on adjoining lands; and
- (g) The estimated cost of the building or structure.

(2) The Zoning Inspector, in his or her discretion, may waive the inclusion of any of the foregoing information in an application if he or she shall determine that such information is not reasonably necessary for him or her to determine compliance with the terms and provisions of this chapter.

(C) *Accessory buildings or structures.* Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require

the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.

(D) *Planning Commission approval.* When the terms and provisions of this chapter require authorization by the planning Commission as a special use and such authorization is given, then both copies of the application shall be marked approved by the Secretary of the Planning Commission in addition to being so marked as provided by the Zoning Inspector.

(E) *Issuance of permit.*

- (1) Within ten days after the receipt of any application, the Zoning Inspector shall either:
 - (a) Issue a permit if the proposed work is in conformance with the terms and provisions of this chapter; or
 - (b) Deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing.
- (2) In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or owners agent.

(F) *Expiration of permits.* A permit for a single-family dwelling for which all construction work has not been completed within one year from the date of its issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this division (F) shall, upon re-application, be renewable once for addition terms of one and two years, respectively (one year for single-family dwelling and two years for any other building or structure), on payment of an additional fee equal to one-half of the original permit fee.

(G) *Cancellation of permits.* The Zoning Inspector shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this chapter or in the event of any false statements of misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction, such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.

(H) *Fees.*

- (1) Fees shall be determined by the Township Board.
- (2) The amount of such fees shall be determined from the estimated cost of the building or structure as set forth in the application for the permit. If, upon completion of the building or structure, the Zoning Inspector shall determine that the estimated cost does not represent a fair valuation of the cost of the building or structure, he or she shall notify the applicant in writing of the permit fee deficiency and the building or structure shall not be used until such deficiency has been paid to the Zoning Inspector.
- (3) In addition, the following special fees shall be paid to the Zoning Inspector, who shall remit the same to the Township Treasurer. The payment of such fees is a condition precedent to the validity of such permit:
 - (a) Special use: \$10;
 - (b) Temporary office building or yard for construction: \$10;
 - (c) Temporary office for sale or rental of real property: \$10;
 - (d) Temporary mobile home permit: \$10;
 - (e) Permanent sign: \$5;
 - (f) Appeal: \$10; and
 - (g) Rezoning: cost to be set by the Township Board.

(Prior Code, Ch. XV, § 15.03) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.368 INSPECTION OF BUILDINGS AND STRUCTURES.

(A) As work progresses under a permit, the holder thereof or authorized agent shall cause the Zoning Inspector to be notified at the following stages of construction:

- (1) Upon completion of the footing and foundation walls;
- (2) Upon completion of the rough frame of the building or structure and the electrical wiring; and
- (3) Upon total completion of the work authorized by the permit and before occupancy or use.

(B) Should the permit holder fail to comply with all of the terms and provisions of this chapter at any stage of construction, the Zoning Inspector is authorized to revoke and cancel the permit and cause notice of such posting to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

(Prior Code, Ch. XV, § 15.04) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.369 CERTIFICATE OF COMPLIANCE.

No building or structure which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Zoning Inspector affirming that such building or structure conforms in all respects to the provisions of this chapter. Such certificate shall be used after the work is complete and final inspection has been made.

(Prior Code, Ch. XV, § 15.05) (Ord. 1977-1, passed 10-10-1977)

BOARD OF APPEALS

§ 157.380 CREATION.

(A) There is hereby created, under the Zoning Act, a Township Board of Appeals, referred to in this chapter as the "Board of Appeals".

(B) The Board of Appeals shall consist of three members, and shall be constituted and appointed as provided in the Zoning Act.

(Prior Code, Ch. XV, § 16.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.381 POWERS AND DUTIES OF THE BOARD OF APPEALS.

The Board of Appeals shall have all the powers and duties prescribed by law and by this subchapter which are more particularly specified as follows:

(A) *Interpretation.* Upon appeal from a decision by an administrative official or the Zoning Inspector, to decide any question involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto;

(B) *Variances.* To authorize a variance or modification of this chapter where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and

(C) *Appeals.* Upon appeal from a decision by a petitioner, the Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

(Prior Code, Ch. XV, § 16.02) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

§ 157.382 COMPENSATION.

Each member shall receive a reasonable sum as determined by the Township Board for his or her services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Township Board.

(Prior Code, Ch. XV, § 16.03) (Ord. 1977-1, passed 10-10-1977)

§ 157.383 REMOVAL.

Members of the Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

(Prior Code, Ch. XV, § 16.04) (Ord. 1977-1, passed 10-10-1977)

§ 157.384 MEETINGS; RECORDS.

Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in rules of procedure may specify. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

(Prior Code, Ch. XV, § 16.05) (Ord. 1977-1, passed 10-10-1977)

§ 157.385 PROCEDURE.

(A) The presence of three members shall constitute a quorum, and the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this chapter or to effect any variation in such ordinance.

(B) Applications or appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Inspector and with the Board of Appeals of a notice of application or appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record from which the application or appeal was taken.

(C) When an application or appeal has been filed in proper form and with the required date, the Secretary of the Board shall place said application or appeal on the calendar for hearing by first class mail, postage prepaid, to the address provided in the last assessment roll. For purposes of this chapter, the owner of the property is conclusively presumed to be the party listed on the last assessment roll. Personal service is achieved if the notice is delivered to any adult at the address provided in the last assessment roll. Notices shall be served upon the applicant or appellant, the Building or Zoning Inspector and the owners of property within 300 feet of the premises in question. In the event of any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of such property shall nevertheless receive notice and shall be entitled to be heard.

(D) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.

(E) Upon the hearing, any party may be heard in person or by agent or attorney.

(F) The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

(G) The decision of the Board shall not be final until five days after it is made and any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact during said period.

(H) Each appeal or application for variance or a special use permit shall be accompanied by a filing fee determined by the Township Board which shall be deposited by the Zoning Administrator with the Township Treasurer.

(Prior Code, Ch. XV, § 16.06) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001)

§ 157.386 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Board of Appeals after the notice of appeal shall have been filed with him or her that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or

property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Inspector and on due cause shown.

(Prior Code, Ch. XV, § 16.07) (Ord. 1977-1, passed 10-10-1977)

§ 157.387 CONDITIONS OF APPROVAL.

In granting a variance, the Board of Appeals may impose and attach such conditions, restrictions, and requirements as it shall deem are necessary and/or appropriate. In authorizing a variance or exception, the Board may, in addition to the conditions of approval called for in this chapter, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this chapter and the protection of the public interest, including the right to authorize such variance or exception for a limited period of time.

(Prior Code, Ch. XV, § 16.08) (Ord. 1977-1, passed 10-10-1977; Ord. 1981-2, passed 12-14-1981)

§ 157.388 TIME LIMIT ON VARIANCES.

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps towards effecting the variance within said period; provided, however, that, the Board of Appeals may extend such period for a further period of time not exceeding one year upon application and without further notice.

(Prior Code, Ch. XV, § 16.09) (Ord. 1977-1, passed 10-10-1977)

§ 157.389 VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

(B) The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

(Prior Code, Ch. XV, § 16.10) (Ord. 1977-1, passed 10-10-1977)

§ 157.390 VARIANCES PROHIBITED.

No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, at least two of the following facts and conditions exist:

(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

(Prior Code, Ch. XV, § 16.11) (Ord. 1977-1, passed 10-10-1977)

CHAPTER AMENDMENT

§ 157.405 INITIATION OF AMENDMENTS.

Amendments to this chapter may be initiated by the Township Board by resolution or by any interested person or persons by petition to the Township Board.

(Prior Code, Ch. XV, § 17.01) (Ord. 1977-1, passed 10-10-1977)

§ 157.406 AMENDMENT PETITION PROCEDURE.

(A) All petitions for amendment to this chapter shall be in writing signed and filed in triplicate with the Township Clerk for presentation to the Township Board.

(B) Such petitions shall include the following:

(1) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be re-zoned;

(2) The nature and effect of the proposed amendment;

(3) If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands and all public and private right-of-way and easements bounding and intersecting the land to be re-zoned;

(4) The alleged error in the chapter which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same;

(5) The changed or changing conditions in the area or in the township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare; and

(6) All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

(Prior Code, Ch. XV, § 17.02) (Ord. 1977-1, passed 10-10-1977)

§ 157.407 AMENDMENT PROCEDURE.

After initiation, amendments to this chapter shall be considered as provided in the Zoning Act.

(Prior Code, Ch. XV, § 17.03) (Ord. 1977-1, passed 10-10-1977)

RIPARIAN AREA PROTECTION OVERLAY ZONE

§ 157.420 INTENT AND PURPOSE.

The standards contained in this subchapter govern the use and alteration of land within a specified distance of, rivers, creeks and contiguous wetlands and other riparian features in the township, in order to accomplish the following objectives:

(A) Implement the water quality protection, environmental protection and rural character protection goals and policies of the township's master plan.

(B) Achieve the township's resource protection and community character goals in a manner that is reasonable and sensitive to local conditions and concerns of property owners.

(C) Protect water quality and habitat quality in the, rivers, creeks, and their contiguous wetlands and other riparian features in the township, and thereby protect the public health, safety and general welfare, by encouraging filtering of storm water runoff through natural vegetative buffers along stream corridors, and by encouraging and protecting vegetative cover along stream banks to shade the stream, thereby maintaining lower water temperatures and high-quality stream habitat.

(D) Maintain the integrity and stability of stream banks and protect stream banks against erosion, by providing for effective vegetative buffers adjacent to stream corridors, and by prohibiting excavation and building activities within a specified distance from stream banks and the contiguous to streams wetlands.

(E) Protect the natural character and appearance of streams, stream corridors and their contiguous wetlands, which contribute to the valued natural character of the community, its quality of life and its property values.

(F) Permit and encourage property owners to enhance native vegetation along riparian corridors in the township.

(Ord. passed - -2007)

§ 157.421 APPLICABILITY AND ADMINISTRATIVE ACTION.

(A) *Applicability.* Except as provided in division (A)(2) below the standards contained in this section shall be applicable to all land in the township which is located within specified distances adjacent to:

(1) All of the rivers, streams, and creeks located within the riparian area protection zone, identified on the map titled "riparian area protection overlay zone map," which is (map 1) attached to and made a part of the ordinance codified herein, a copy of which is on file in the office of the Township Clerk and the wetlands contiguous to the identified rivers, streams and creeks, as defined herein.

(2) All of the rivers, streams, and creeks located within the RAP riparian area protection overlay zone identified on the township zoning map as amended, and the wetlands contiguous to the identified rivers, streams, and creeks, as defined herein.

(B) *Exemptions.* The standards contained in this subchapter shall not be applicable to:

(1) A lot or parcel, of two acres or less in size which was a lot of record on or before (insert effective date of the amendment to the ordinance codified herein on ____2007.

(2) Agricultural operations that are conducted in conformance with best management practices (BMPs) as defined and prescribed by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

(3) All activities that are authorized in a permit issued by the Michigan D.E.Q. pursuant to Parts 31,301,303 or 315 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

(4) Forestry operations that are conducted within the natural vegetation zone when done in conformance with generally accepted forestry management practices (GAFMPs) as defined and prescribed under the auspices of the Right to Forest Act Public Act 676 of 2002. Unless the activity is specifically addressed by guidelines contained within a forest management plan prepared by a forestry or other natural resources professional and/or the activity is a GAFMP officially recognized by the appropriate state agency and approved by Natural Resources Commission of the State of Michigan, the following practices shall not be considered exempt by this subchapter and shall be prohibited within the riparian areas protection zone:

- (a) Cutting stream bank trees.
- (b) Unnecessary access roads and skid trails.
- (c) Cording and stacking of wood.
- (d) Excessive soil compaction and rutting by tree harvesting equipment.
- (e) Removal of ground cover or understory vegetation.
- (f) Felling trees into the stream bed or leaving logging debris in the stream.
- (g) Servicing or refueling equipment.

- (h) Mechanical site preparation and site preparation burning.
- (i) Mechanical tree planting.
- (j) Broadcast application of pesticides or fertilizers.
- (k) Handling, mixing, or storing toxic or hazardous materials (fuels, lubricants, solvents, pesticides, or fertilizers).

(5) The cleaning out, straightening, widening, deepening, or extending, consolidation, relocation, tiling, and connection of Drains established under the provisions of the Michigan Drain Code, Public Act 40 of 1956, as amended.

(C) *Administrative action.* The decision on any application for a zoning approval or a permit for an activity on property subject to the riparian area protection standards of this subchapter shall be made by the Zoning Administrator.

(Ord. passed - -2007)

§ 157.422 OVERLAY SUB-AREAS: NATURAL VEGETATION ZONES AND TRANSITION ZONES: DEFINITION, INTENT AND DELINEATION.

(A) *Definition and intent.* The land area subject to the riparian area overlay protection standards of this section shall be comprised of two sub-area zones. The definitions and intended purposes of each of these sub-areas are as follows:

NATURAL VEGETATION ZONE. The natural vegetation zone includes all lands located within 35 feet of the ordinary high water mark of the stream, and all contiguous wetlands as defined in this subchapter. The natural vegetation zone is intended to provide a functional vegetative corridor along the edge of a stream. Its functions shall be to protect water quality, animal habitat and aesthetic values of the riparian feature by minimizing erosion, stabilizing the bank, minimizing nutrient flows into the water, shading the water to maintain low water temperatures, and screening man-made structures.

TRANSITION ZONE. The transition zone, extends for a distance of 15 feet beyond the edge of the natural vegetation zone. The transition zone is intended to provide distance between upland development and the natural vegetation zone, in an area outside of the natural vegetation zone where there are fewer restrictions on disturbance and improvements, but where some restrictions remain necessary to protect water quality, animal habitat and the integrity of the adjacent stream and its contiguous wetlands.

(B) *Delineation of sub-area zones.* The limits of the natural vegetation zone and the transition zone as used and defined in this subchapter is required to be accurately shown on all site plans, land division plans, subdivision plans (plats), site condominium plans, plans for planned unit developments, and all applications for building permits submitted for review by the township. Any such plans for sites on which is located any protected riparian area subject to these regulations shall include the following statement: "There shall be no clearing, grading, earth change, placement of fill, construction or disturbance of vegetation within the area labeled as being subject to the riparian area protection standards of the Hopkins Township zoning regulations, except as permitted by Chapter 121 of the Hopkins Township Code of Ordinances."

(Ord. passed - -2007)

§ 157.423 DEVELOPMENT STANDARDS: NATURAL VEGETATION ZONE.

Land located within the natural vegetation zone shall be subject to the following development standards:

(A) *Units and buildings not permitted; structures permitted.* No dwelling unit or other principal building and no accessory building may be constructed within the natural vegetation zone. The following structures may be permitted:

- (1) Flood control or bank protection structures permitted or constructed by authorized state or federal agencies.
- (2) Pedestrian or vehicular bridges when designed and constructed in a manner that minimizes impact on the riparian feature.
- (3) Boardwalk access to or through wetlands when constructed in accordance with a permit issued by the Michigan Department of Environmental Quality.
- (4) One pump house per lot housing a pump used for irrigation when setback at least 15 feet from the high water mark, and having a maximum ground coverage of nine square feet.

(B) *On-site sanitary waste treatment systems.* On-site sanitary waste treatment systems are prohibited within the natural vegetation zone.

(C) *Predominately natural condition.* The area within the natural vegetation zone shall be kept in a predominantly natural condition. Clearing or removal of existing trees shrubs and groundcover shall be limited to the following:

- (1) Removal of isolated diseased or dead trees and damaged trees that are in an unstable condition and that pose a safety hazard. The stumps and root structures of removed trees shall be left in place.
- (2) Removal of noxious plants and shrubs, including poison ivy, poison sumac and poison oak and other plants regarded as common nuisance in § 2, Public Act 359 of 1941 as amended and species that are recognized as highly invasive, as contained on a list of invasive species maintained on file in the office of the Township Clerk.
- (3) Planting of native species that are contained on a list of native species maintained on file in the office of the Township Clerk is permitted.
- (4) Limited removal of vegetation in order to provide a filtered view of the riparian feature from adjacent property and to provide reasonable private access to the riparian feature. The term filtered view connotes the maintenance or establishment of woody vegetation of sufficient density to screen the riparian feature from adjacent property, while also providing for bank stabilization and erosion control and to serve as an aid to infiltration of surface runoff. The vegetation need not be so dense as to completely block the view of the riparian feature. To that end the following standards shall apply:
 - (a) Sufficient live root system and vegetation must be retained to provide for bank stabilization and erosion control, to encourage infiltration of runoff, and to provide shading of the water surface.
 - (b) Existing vegetation between a height of three feet above the ground and the ground surface shall remain undisturbed and in a natural condition except as otherwise provided for herein.
 - (c) Select pruning and removal of vegetation above a height of three feet shall be permitted.

(d) Existing vegetation may be removed and/or managed, including maintaining a turf lawn, in an area with a maximum width of 15 feet to, and ten feet along, one or both sides of the riparian feature. Within this corridor a paved or unpaved trail or path with a maximum width of nine feet is permitted.

(e) Clearing that is required to construct the exempt structures permitted in § 157.421(b) above, is permitted.

(D) *Prohibited activities.* The following activities are prohibited in the natural vegetation zone:

- (1) Storage of motorized vehicles or petroleum products;
- (2) Storage or use of toxic or hazardous materials;
- (3) Storage of herbicides or pesticides;
- (4) Storage of fertilizer;
- (5) Placement of fill or dumping of any refuse;
- (6) Concentrated drainage flow by ditches, under drains or other similar systems;
- (7) Topsoil, sand and gravel extraction.

(Ord. passed - -2007)

§ 157.424 DEVELOPMENT STANDARDS IN THE TRANSITION ZONE (15 FEET LANDWARD OF NATURAL VEGETATION ZONE AND CONTIGUOUS WETLANDS).

Land located within the transition zone shall be subject to the following development standards and restrictions:

(A) No dwelling unit or other principal building and no accessory building may be constructed within the transition zone. The following structures may be permitted:

- (1) Flood control structures constructed by authorized state or federal agencies.
- (2) Pedestrian or vehicular bridges, when deemed necessary and designed and constructed in a manner that minimizes impact on the riparian feature.
- (3) One viewing platform deck or gazebo with maximum ground coverage of 200 square feet.
- (4) One pump house per lot housing a pump used for irrigation when setback at least 15 feet from the high water mark, and ground coverage of not more than nine square feet.

(B) On-site sanitary waste treatment systems are prohibited within the transition zone.

(C) Except for public or private access and recreational trails not exceeding ten feet in width, the construction of impermeable surfaces such as paved driveways, paved parking areas, tennis courts and other similar surfaces is prohibited in the transition zone.

(D) Vegetation within the transition zone may be altered and managed in a manner customary for the uses permitted in the zoning district applicable to the subject property.

(Ord. passed - -2007)

§ 157.425 MINIMUM LOT SIZES AND PRINCIPAL STRUCTURE SETBACKS.

Within any agricultural, residential, commercial or industrial zoning district affected by the riparian area protection overlay, the minimum lot width and depth for all lots with any part located within this riparian area protection overlay and created after the effective date of this subchapter shall be as follows:

- (A) Minimum lot area: 40,000 square feet.
- (B) Minimum lot width: 100 feet.
- (C) Maximum lot depth: The depth of each lot shall be sufficient to accommodate all setbacks and yard requirements of this overlay zone and the underlying district, and shall not have a width to depth ratio of more than one to five.
- (D) Minimum principal structure setback: No principal structure shall be erected closer than (100 feet) from the high water mark of the stream or contiguous wetland except on non-conforming lots of record or where there are steep banks.

(1) *Non-conforming lots of record.*

(a) A lot of record existing on the effective date of this subchapter that is non-conforming by reason of width or depth may be used and a principal structure and accompanying septic system may be sited closer to the stream than the required setback line, only if after review by the Zoning Board of Appeals it is found that:

1. The lot could not be developed in conformance with the requirements of this section.
2. The proposal for use will place the principal structure in a location as nearly in conformance with the setback requirements of both this subchapter and the underlying zoning district as possible.
3. Such location does not result in placement within the flood plain or a wetland without appropriate approvals by the Michigan D.E.Q.

(b) The Board of Appeals may attach reasonable conditions to its approval.

(2) *Principal structure exception for steep banks.* Where there is a steep stream bank, a principal structure (but not a septic system) may be constructed closer to the riparian feature according to the following schedule:

Where the bank height, at the bluff, is (a) feet as measured in vertical feet from the high water mark, the principal structure may locate no closer than (b) horizontal feet from the bluff or the high water mark,

whichever is greater:

<i>Bank Height</i>	<i>Setback From Bluff or High Water Mark</i>
(a)	(b)
10	90
15	80
20	70
25	60

(Ord. passed - -2007)

§ 157.999 PENALTY.

(A) Violations and penalties.

(1) *Nuisance per se.* Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued or changed in violation of any term or provision of this chapter, is hereby declared to be a nuisance per se subject to abatement pursuant to M.C.L.A. § 125.3407, as amended, and as otherwise provided by law.

(2) *Violation.* Any person who violates, disobeys, neglects or refuses to comply with any provision of this chapter, any administrative decision made under this chapter or any permit or approval issued under this chapter, including any conditions imposed thereon, or who causes, allows or consents to any of same, shall be deemed to be responsible for a violation of this chapter. Any person responsible for a violation of this chapter whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

(3) Municipal civil infraction.

(a) A violation of this chapter is a municipal civil infraction as defined by state statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense	\$100	\$500
2nd offense	\$225	\$500
3rd offense	\$325	\$500
4th or more offense	\$500	\$500

(b) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 be ordered.

(4) *Remedial action.* Any violation of this chapter shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this chapter and enforce the provisions thereof.

(Prior Code, Ch. XV, § 18.01)

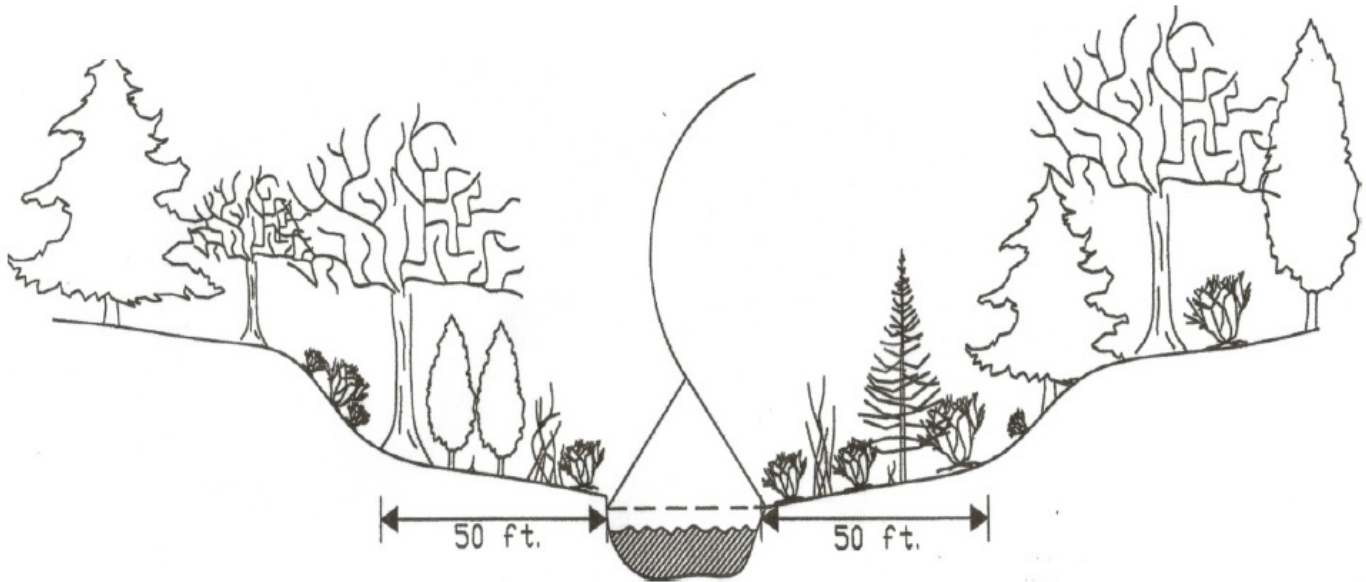
(B) *Enforcement.* The Township Zoning Administrator, the Township Ordinance Enforcement Officer and any other individual township officials that may from time to time be designated shall administer this chapter and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.

(Prior Code, Ch. XV, § 18.02)

(Ord. 1977-1, passed 10-10-1977; Ord. 2008-3, passed 9-8-2008)

APPENDIX A: RIPARIAN AREA PROTECTION ZONE

APPENDIX A: RIPARIAN AREA PROTECTION ZONE



(Ord. passed - -2007)

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
1981-1	3-9-1981	Granting an electricity distribution franchise to Consumers Power Company (Prior Code, Ch. XII, §§ 12.001—12.008)
1986-1	7-14-1986	Granting an electricity service franchise to O&A Electric Cooperative (Prior Code, Ch. XII, §§ 12.051—12.054)
99-01	2-8-1999	Granting an electricity service franchise to Great Lakes Energy Cooperative

PARALLEL REFERENCES

References to Michigan Compiled Statutes

References to Prior Code

References to Ordinances

REFERENCES TO MICHIGAN COMPILED STATUTES

<i>M.C.L.A. Cites</i>	<i>Code Section</i>
<i>M.C.L.A. Cites</i>	<i>Code Section</i>
15.231	10.17
15.231—15.246	93.15, 93.38
29.1 et seq.	111.09
30.401 et seq.	111.11
41.181	31.03
41.801 et seq.	31.03
125.71 et seq.	90.01
125.271—125.301	151.01, 156.070, 157.004, 157.005
125.321—125.333	156.007
125.539—125.542	152.03
125.1101 et seq.	157.005
125.1501—125.1531	150.01—150.04
125.1801—125.1812a	157.005
125.2301 et seq.	157.005
125.3101 et seq.	152.03, 157.007
125.3202	157.007
125.3405	157.007
286.471 et seq.	151.02
289.1101 et seq.	111.09
321.214—321.2144	154.01
324.1301 et seq.	111.09
324.2140—324.2144	154.01
324.11501 et seq.	111.09, 157.005
324.11701 et seq.	111.09
324.36110(5)	154.08
324.36201 et seq.	154.10
324.70101 et seq.	157.005
324.80198b	111.09
333.12501 et seq.	111.09
333.12521—333.12534	111.09
333.12701 et seq.	111.09
484.2102	93.02
484.3101 et seq.	93.01, 93.02
484.3103	93.02
484.3104(2)	93.37
484.3104(3)	93.17
484.3105(1)	93.15
484.3105(3)	93.15, 93.16
484.3105(4)	93.15
484.3106(1)	93.15, 93.16
484.3106(2)	93.15, 93.16
484.3106(5)	93.15
484.3106(6)	93.16
484.3106(7)	93.18
484.3106(8)	93.18

484.3108	93.20, 93.21
484.3110(4)	93.23
484.3110(5)	93.35
484.3113(1)	93.21
484.3113(4)	93.21
484.3113(5)	93.22
484.3113(6)	93.36
484.3115	93.16
484.3115(2)	93.39
484.3115(3)	93.16
484.3115(4)	93.16
484.3115(5)	93.19
484.2251	93.15
560.101 et seq.	155.02, 156.003—156.008, 156.021, 156.022, 156.057
559.101—559.272	156.004
560.101—560.293	155.02, 155.04—155.08, 156.040, 156.057, 156.070, 157.071
560.108	155.03
560.109	155.03
600.8701 et seq.	30.23
600.8396	30.02
764.9c	30.23

REFERENCES TO PRIOR CODE

<i>Prior Code</i>	<i>2016 Code</i>
<i>Prior Code</i>	<i>2016 Code</i>
Ch. XII, §§ 12.001—12.008	TSO Table I
Ch. XII, §§ 12.051—12.054	TSO Table I
Ch. XIII	157.007
Ch. XIII, § 1	90.01
Ch. XIII, § 2	90.02
Ch. XIII, § 3	90.03
Ch. XIII, § 4	90.04
Ch. XIII, § 3	90.99
Ch. XV, § 1.01	157.001
Ch. XV, § 2.01	157.002
Ch. XV, § 2.02	157.003
Ch. XV, § 2.03	157.004
Ch. XV, § 3.01	157.005
Ch. XV, § 3.02	157.005
Ch. XV, § 3.03	157.005
Ch. XV, § 3.04	157.005
Ch. XV, § 3.05	157.005
Ch. XV, § 3.06	157.005
Ch. XV, § 3.07	157.005
Ch. XV, § 3.07B	157.005
Ch. XV, § 3.08	157.005
Ch. XV, § 3.09	157.005
Ch. XV, § 3.10	157.005
Ch. XV, § 3.12	157.005

Ch. XV, § 3.13	157.005
Ch. XV, § 3.14	157.005
Ch. XV, § 3.15	157.005
Ch. XV, § 3.16	157.005
Ch. XV, § 3.17	157.005
Ch. XV, § 3.18	157.005
Ch. XV, § 3.19	157.005
Ch. XV, § 3.20	157.005
Ch. XV, § 3.21	157.005
Ch. XV, § 3.22	157.005
Ch. XV, § 3.23	157.005
Ch. XV, § 3.24	157.005
Ch. XV, § 3.25	157.005
Ch. XV, § 3.26	157.005
Ch. XV, § 3.26B	157.005
Ch. XV, § 3.27	157.005
Ch. XV, § 3.28	157.005
Ch. XV, § 3.29	157.005
Ch. XV, § 3.30	157.005
Ch. XV, § 3.30A	157.005
Ch. XV, § 3.31	157.005
Ch. XV, § 3.32	157.005
Ch. XV, § 3.32B	157.005
Ch. XV, § 3.33	157.005
Ch. XV, § 3.33A	157.005
Ch. XV, § 3.34	157.005
Ch. XV, § 3.35	157.005
Ch. XV, § 3.36	157.005
Ch. XV, § 3.37	157.005
Ch. XV, § 3.38	157.005
Ch. XV, § 3.39	157.005
Ch. XV, § 3.40	157.005
Ch. XV, § 3.41	157.005
Ch. XV, § 3.42	157.005
Ch. XV, § 3.43	157.005
Ch. XV, § 3.44	157.005
Ch. XV, § 3.45	157.005
Ch. XV, § 3.46	157.005
Ch. XV, § 3.47	157.005
Ch. XV, § 3.48	157.005
Ch. XV, § 4.01	157.020
Ch. XV, § 4.02	157.021
Ch. XV, § 4.03	157.022
Ch. XV, § 5.01	157.065
Ch. XV, § 5.02	157.066
Ch. XV, § 5.03	157.087
Ch. XV, § 5.04	157.088
Ch. XV, § 5.05	157.089
Ch. XV, § 5.07	157.090
Ch. XV, § 5.08	157.091
Ch. XV, § 6.01	157.085
Ch. XV, § 6.02	157.086
Ch. XV, § 6.03	157.087
Ch. XV, § 6.04	157.088

Ch. XV, § 6.05	157.089
Ch. XV, § 6.07	157.090
Ch. XV, § 6.08	157.091
Ch. XV, § 6.21	157.105
Ch. XV, § 6.22	157.106
Ch. XV, § 6.23	157.107
Ch. XV, § 6.24	157.108
Ch. XV, § 6.25	157.109
Ch. XV, § 7.01	157.120
Ch. XV, § 7.02	157.121
Ch. XV, § 7.03	157.122
Ch. XV, § 7.04	157.123
Ch. XV, § 7.05	157.124
Ch. XV, § 8.01	157.135
Ch. XV, § 8.02	157.136
Ch. XV, § 8.03	157.137
Ch. XV, § 8.04	157.138
Ch. XV, § 8.05	157.139
Ch. XV, § 9.01	157.150
Ch. XV, § 9.02	157.151
Ch. XV, § 9.03	157.152
Ch. XV, § 9.04	157.153
Ch. XV, § 9.05	157.154
Ch. XV, § 10.01	157.165
Ch. XV, § 10.02	157.166
Ch. XV, § 10.02(2)	157.167
Ch. XV, § 10.03	157.168
Ch. XV, § 11.01	157.180
Ch. XV, § 11.02	157.181
Ch. XV, § 11.03	157.182
Ch. XV, § 11.04	157.183
Ch. XV, § 12.01	157.035
Ch. XV, § 12.02	157.036
Ch. XV, § 12.03	157.037
Ch. XV, § 12.04	157.038
Ch. XV, § 12.05	157.039
Ch. XV, § 12.06	157.040
Ch. XV, § 12.07	157.041
Ch. XV, § 12.08	157.042
Ch. XV, § 12.09	157.043
Ch. XV, § 12.10	157.044
Ch. XV, § 12.11	157.045
Ch. XV, § 12.12.01	157.195
Ch. XV, § 12.12.02	157.196
Ch. XV, § 12.12.03	157.197
Ch. XV, § 12.12.04	157.198
Ch. XV, § 12.12.05	157.199
Ch. XV, § 12.12.06	157.200
Ch. XV, § 12.12.07	157.201
Ch. XV, § 12.12.08	157.202
Ch. XV, § 12.12.09	157.203
Ch. XV, § 12.12.10	157.204
Ch. XV, § 12.12.11	157.205
Ch. XV, § 12.12.12	157.206

Ch. XV, § 12.12.13	157.207
Ch. XV, § 12.13	157.046
Ch. XV, § 12.15	157.047
Ch. XV, § 12.16	157.048
Ch. XV, § 12.17	157.049
Ch. XV, § 12.17A	157.050
Ch. XV, § 12.18	157.051
Ch. XV, § 12.19	157.052
Ch. XV, § 12A.01	157.220
Ch. XV, § 12A.02	157.221
Ch. XV, § 12A.03	157.222
Ch. XV, § 12A.04	157.223
Ch. XV, § 12A.05	157.224
Ch. XV, § 12B.01	157.345
Ch. XV, § 12B.02	157.346
Ch. XV, § 12B.03	157.347
Ch. XV, § 12B.04	157.348
Ch. XV, § 12B.05	157.349
Ch. XV, § 12B.06	157.350
Ch. XV, § 12C.01	157.235
Ch. XV, § 12C.02	157.236
Ch. XV, § 12C.03	157.237
Ch. XV, § 12C.05	157.238
Ch. XV, § 12C.06	157.239
Ch. XV, § 12D.01	157.315
Ch. XV, § 12D.02	157.316
Ch. XV, § 12D.03	157.317
Ch. XV, § 12D.04	157.318
Ch. XV, § 12D.05	157.319
Ch. XV, § 12D.06	157.320
Ch. XV, § 12D.07	157.321
Ch. XV, § 12D.08	157.322
Ch. XV, § 12D.09	157.323
Ch. XV, § 12D.10	157.324
Ch. XV, § 12D.11	157.325
Ch. XV, § 12D.12	157.326
Ch. XV, § 12D.13	157.327
Ch. XV, § 12D.14	157.328
Ch. XV, § 12D.15	157.329
Ch. XV, § 12D.16	157.330
Ch. XV, § 12D.17	157.331
Ch. XV, § 12D.18	157.332
Ch. XV, § 13.01	157.250
Ch. XV, § 13.02	157.251
Ch. XV, § 13.03	157.252
Ch. XV, § 13.04	157.252
Ch. XV, § 13.05	157.254
Ch. XV, § 13.06	157.255
Ch. XV, § 14.01	157.300
Ch. XV, § 14.02	157.301
Ch. XV, § 14.03	157.302
Ch. XV, § 14.04	157.303
Ch. XV, § 14.05	157.304
Ch. XV, § 15.01	157.365

Ch. XV, § 15.02	157.366
Ch. XV, § 15.03	157.367
Ch. XV, § 15.04	157.368
Ch. XV, § 15.05	157.369
Ch. XV, § 16.01	157.380
Ch. XV, § 16.02	157.381
Ch. XV, § 16.03	157.382
Ch. XV, § 16.04	157.383
Ch. XV, § 16.05	157.384
Ch. XV, § 16.06	157.385
Ch. XV, § 16.07	157.386
Ch. XV, § 16.08	157.387
Ch. XV, § 16.09	157.388
Ch. XV, § 16.10	157.389
Ch. XV, § 16.11	157.390
Ch. XV, § 17.01	157.405
Ch. XV, § 17.02	157.406
Ch. XV, § 17.03	157.407
Ch. XV, § 18.01	157.999
Ch. XV, § 18.02	157.999
Ch. XV, § 19.01	157.006
Ch. XV, § 19.03	157.008
Ch. XX, § 20.001	92.01
Ch. XX, § 20.002	92.03
Ch. XX, § 20.003	92.02
Ch. XX, § 20.004	92.04, 92.99
Ch. XX, § 20.005	92.05
Ch. XXI	152.11
Ch. XXI, § 21.000	152.01
Ch. XXI, § 21.001	152.02
Ch. XXI, § 21.002	152.03
Ch. XXI, § 21.003	152.04
Ch. XXI, § 21.004	152.05
Ch. XXI, § 21.005	152.06
Ch. XXI, § 21.006	152.07
Ch. XXI, § 21.007	152.08
Ch. XXI, § 21.008	152.09
Ch. XXI, § 21.009	152.10
Ch. XXII, Art. I	150.01
Ch. XXII, Art. II	150.02
Ch. XXII, Art. III	150.03
Ch. XXII, Art. V	150.04
Ch. XXIV	151.01
Ch. XXIV, § I	151.02
Ch. XXIV, § II	151.03
Ch. XXIV, § III	151.04
Ch. XXIV, § IV	151.05
Ch. XXIV, § V	151.06, 151.07, 151.99
Ch. XXV, § 5.00	31.01
Ch. XXV, § 5.02	31.02
Ch. XXV, § 5.04	31.03
Ch. XXV, § 5.06	31.04
Ch. XXV, § 5.70	31.05
Ch. XXV, § 5.75	31.06

Ch. XXV, § 5.95	31.07
Ch. XXVI, § 1	155.01
Ch. XXVI, § 2	155.02
Ch. XXVI, § 3	155.03
Ch. XXVI, § 4	155.04
Ch. XXVI, § 5	155.05
Ch. XXVI, § 6	155.06
Ch. XXVI, § 7	155.07
Ch. XXVI, § 8	155.08
Ch. XXVI, § 9	155.09
Ch. XXVI, § 10	155.99
Ch. XXVI, § 12	155.10
Ch. XXVI, § 13	155.11
Ch. XXVII, § 1	30.01
Ch. XXVII, § 2	30.02
Ch. XXVII, § 3	30.03
Ch. XXVII, § 4	30.04
Ch. XXVII, § 5	30.05
Ch. XXVII, § 6	30.06
Ch. XXVII, § 7	30.07
Ch. XXVII, § 9	30.08
Ch. XXVIII, § 1	30.20
Ch. XXVIII, § 2	30.21
Ch. XXVIII, § 3	30.22
Ch. XXVIII, § 4	30.23
Ch. XXVIII, § 6	30.24
Ch. XXVIII, § 7	30.25
Ch. XXIX, § 1	93.01
Ch. XXIX, § 3	93.02
Ch. XXIX, § 2	93.03
Ch. XXIX, § 4	93.15
Ch. XXIX, § 5	93.16
Ch. XXIX, § 7	93.17
Ch. XXIX, § 8	93.18
Ch. XXIX, § 9	93.19
Ch. XXIX, § 10	93.20
Ch. XXIX, § 11	93.21
Ch. XXIX, § 12	93.22
Ch. XXIX, § 13	93.23
Ch. XXIX, § 14	93.35
Ch. XXIX, § 15	93.36
Ch. XXIX, § 16	93.37
Ch. XXIX, § 17	93.38
Ch. XXIX, § 18	93.39
Ch. XXIX, § 20	93.40
Ch. XXIX, § 21	93.41
Ch. XXIX, § 23	93.04
Ch. XXX, § 1	91.01
Ch. XXX, § 2	91.02
Ch. XXX, § 3	91.03
Ch. XXX, § 4	91.04
Ch. XXX, § 5	91.05
Ch. XXX, § 6	91.06
Ch. XXX, § 7	91.07

Ch. XXX, § 8	91.08
Ch. XXX, § 9	91.09
Ch. XXX, § 10	91.10
Ch. XXX, § 11	91.11
Ch. XXX, § 12	91.12
Ch. XXX, § 13	91.13
Ch. XXX, § 14	91.14
Ch. XXX, § 16	91.15
Ch. XXXI, § 1	154.01
Ch. XXXI, § 2	154.02
Ch. XXXI, § 3	154.03
Ch. XXXI, § 4	154.04
Ch. XXXI, § 5	154.05
Ch. XXXI, § 6	154.06
Ch. XXXI, § 7	154.07
Ch. XXXI, § 8	154.08
Ch. XXXI, § 9	154.09
Ch. XXXI, § 10	154.10
Ch. XXXI, § 11	154.11
Ch. XXXI, § 12	154.12
Ch. XXXI, § 13	154.13
Ch. XXXI, § 15	154.14
Ch. XXXIII, § 1.1	156.001
Ch. XXXIII, § 1.2	156.002
Ch. XXXIII, § 1.3	156.003
Ch. XXXIII, § 1.4	156.004
Ch. XXXIII, § 1.5	156.005
Ch. XXXIII, § 2.1	156.006
Ch. XXXIII, § 2.2	156.007
Ch. XXXIII, § 3.1	156.020
Ch. XXXIII, § 3.2	156.021
Ch. XXXIII, § 3.3	156.022
Ch. XXXIII, § 4.1	156.035
Ch. XXXIII, § 4.2	156.036
Ch. XXXIII, § 4.3	156.037
Ch. XXXIII, § 4.4	156.038
Ch. XXXIII, § 4.5	156.039
Ch. XXXIII, § 4.6	156.040
Ch. XXXIII, § 4.7	156.041
Ch. XXXIII, § 4.8	156.042
Ch. XXXIII, § 4.9	156.043
Ch. XXXIII, § 5.1	156.055
Ch. XXXIII, § 5.2	156.056
Ch. XXXIII, § 5.3	156.057
Ch. XXXIII, § 5.4	156.058
Ch. XXXIII, § 5.5	156.059
Ch. XXXIII, § 6.1	156.070
Ch. XXXIII, § 6.2	156.071
Ch. XXXIII, § 7.1	156.008
Ch. XXXIII, § 7.2	156.999
Ch. XXXIII, § 8.1	156.009
Ch. XXXIV	153.01
Ch. XXXV, § 1	110.01
Ch. XXXV, § 2	110.02

Ch. XXXV, § 3	110.03
Ch. XXXV, § 4	110.04
Ch. XXXV, § 5	110.99
Ch. XXXV, § 7	110.05
Ch. XXXVI, § 1	111.01
Ch. XXXVI, § 2	111.02
Ch. XXXVI, § 3	111.03
Ch. XXXVI, § 4	111.04
Ch. XXXVI, § 5	111.05
Ch. XXXVI, § 6	111.06
Ch. XXXVI, § 7	111.07
Ch. XXXVI, § 8	111.08
Ch. XXXVI, § 9	111.09
Ch. XXXVI, § 10	111.10
Ch. XXXVI, § 11	111.11, 111.99
Ch. XXXVI, § 14	111.12

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	--	155.01—155.11, 155.99
1973-1	5-14-1973	92.01—92.05, 92.99
1977-1	10-10-1977	157.001—157.006, 157.008, 157.020—157.022, 157.035—157.049, 157.051, 157.052, 157.065, 157.066, 157.085—157.091, 157.105—157.109, 157.120—157.124, 157.135—157.139, 157.150—157.154, 157.165—157.168, 157.180—157.183, 157.195—157.206, 157.220—157.224, 157.250—157.255, 157.300—157.304, 157.365—157.369, 157.380—157.390, 157.405—157.407, 157.999
1981-2	12-14-1981	157.005, 157.220—157.224, 157.348, 157.387
1984-1	5-14-1984	150.01—150.04
1987-1	4-13-1987	90.01—90.04, 90.99
1992-3	--	151.01—151.07, 151.99
1992-2	--1992	157.088
1992-3	--1992	157.086
1992-4	--1992	157.166
1993-1	--	31.01—31.07
1994-1	--1994	157.020, 157.021
1997-0	--1997	157.044
98-03	--	30.20—30.25
98-02	12-14-1998	30.01—30.08
2000-4	8-29-2000	152.01—152.11
-	1-5-2001	157.042
2001-1	7-17-2001	151.01—151.07, 151.99, 157.005, 157.037, 157.042, 157.066, 157.086, 157.088, 157.089, 157.091, 157.106, 157.109, 157.121, 157.124, 157.136, 157.139, 157.151, 157.168, 157.181, 157.235—157.239, 157.301—157.303, 157.315—157.332, 157.350, 157.367, 157.368, 157.381, 157.385
2-2003	1-13-2003	91.01—91.15
1-2003	5-14-2003	93.01—93.04, 93.15—93.23, 93.35—93.41
-	8-9-2004	157.166

2-2004	8-9-2004	156.001—156.009, 156.020—156.022, 156.035—156.043, 156.055—156.059, 156.070, 156.071, 156.999
3-2004	8-9-2004	157.270—157.284
-	8-16-2004	154.01—154.14
2005-1	5-9-2005	157.005, 157.052, 157.345—157.349
-	--2007	157.005, 157.020, 157.238, 157.274, 157.275, 157.420—157.425, Ch. 157, App. A
13-2007	--2007	157.007
2008-01	5-12-2008	90.03, 90.99, 92.04, 92.99
2008-3	9-8-2008	157.999
2008-4	9-8-2008	157.066
2008-5	9-8-2008	157.050
2011-2	3-14-2011	157.088, 157.091
2011-3	5-9-2011	157.088, 157.091
2011-04	5-9-2011	155.05
2011-8	5-9-2011	110.01—110.05, 110.99
2011-9	11-14-2011	157.207
2012-1	11-5-2012	157.042, 157.066, 157.089, 157.109, 157.124, 157.151, 157.166, 157.167, 157.181, 157.346, 157.381
1-2014	6-23-2014	111.01—111.12, 111.99
2-2014	8-11-2014	157.005, 157.052, 157.053, 157.066, 157.086, 157.106, 157.121, 157.136, 157.346, 157.347
2015-7	9-14-2015	157.068