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Berm, Obscuring

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this ordinance.

Billboard or Signboard (Advertising Signs)

Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

Block

A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Board

Wherever the word "board" is used it refers to the Township Board of Appeals.

Board of Appeals

As used in this ordinance, this term means the Township Board of Appeals.

Boardinghouse

A dwelling where lodging or meals, or both, are furnished for compensation to three or more individuals on a prearranged basis for a definite period of time.

Breezeway

A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements such buildings shall be considered as one integral unit.

Buffer Yard (Zone)

A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Building

An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, chattels or for the operation of a business. This shall include tents, awnings, or vehicles situated on a property and used for the above purposes. Structures with interiors not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, or similar structures shall not be considered buildings.

Buildable Area

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

Building Height

The vertical distance from the established grade of a building to the following roof lines: a) flat roof - to the highest point; b) mansard roof - to the deck; c) gable, hip, and mansard roofs - to the mean height between eaves and ridge. The ground level is measured at the wall line in the case of sloping terrain.

Building Line

A line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line.

Building, Main or Principal

A building which is used for the principal purpose of the lot on which it is situated.

Cabin

Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence.

Camp

A place where temporary tents, huts, etc. are put up for temporary recreational use.

Carport

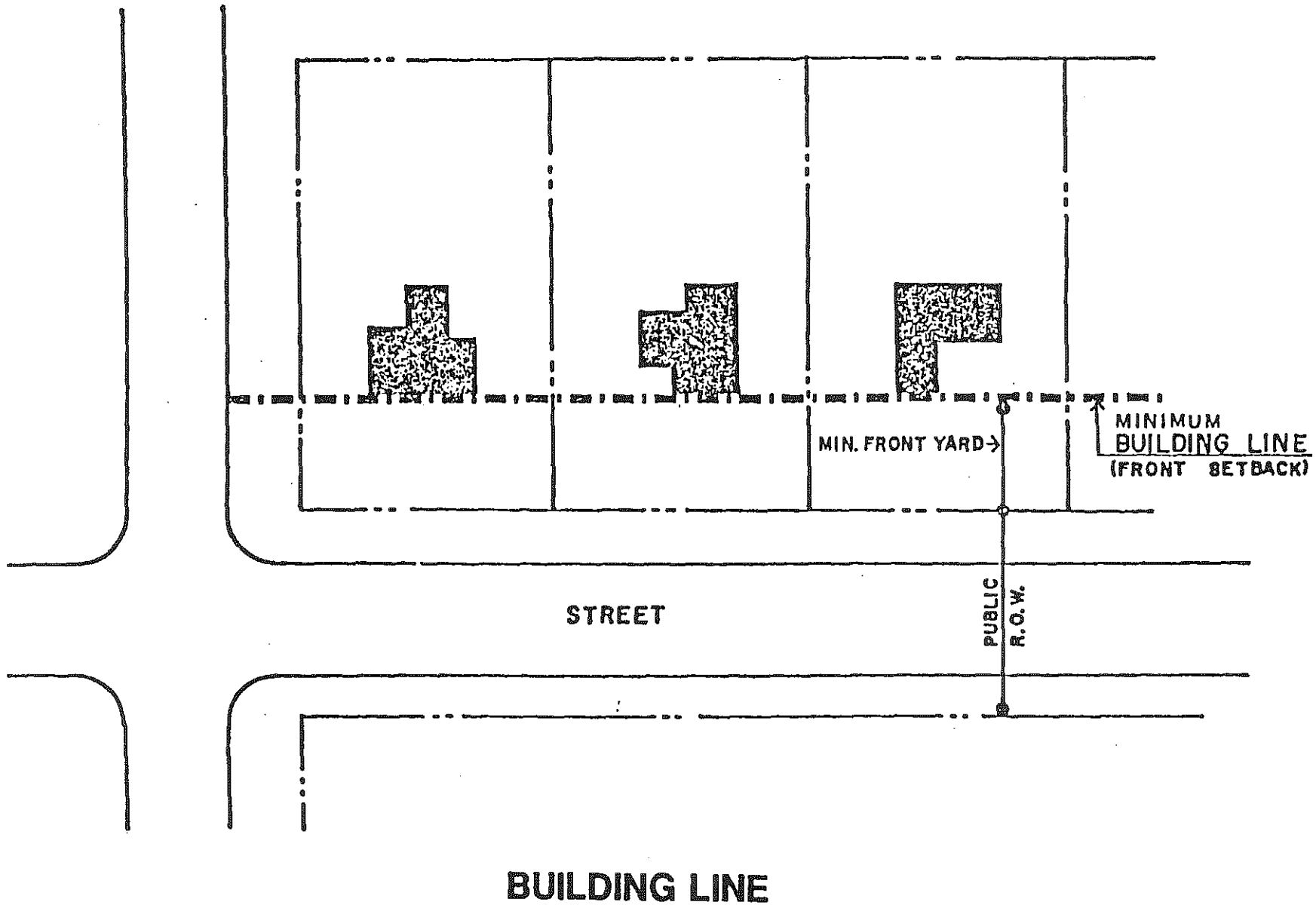
A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to private garages.

Certification of Completion

A signed written statement by the Zoning Administrator or County Building Inspector that specific construction has been inspected and found to comply with all grading plans and specifications.

Certification of Zoning Compliance

A certificate issued by the Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.



MIN. FRONT YARD →

MINIMUM
BUILDING LINE
(FRONT SETBACK)

STREET

PUBLIC
R.O.W.

BUILDING LINE

Survival Wind Speed This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Temporary Building or Use

A structure or use permitted by the Zoning Administrator, to exist during periods of construction of the main building or for special events, but not to exceed six (6) months duration.

Television Antenna

A signal receiving device, the purpose of which is to receive television signals from television transmitters in the area.

Total Height This term is separately defined as it relates specifically to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Tourist Home

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and which can be occupied as part of a dwelling unit, are rented for compensation to the traveling public.

Tower Height This term is separately defined as it relates specifically to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Unplatted

Refers to a larger parcel of land that has not been subdivided into smaller parcels meeting the minimum lot size requirements of this ordinance for development. Unplatted parcels are typically identified using "meets and bounds" descriptions.

Upwind Turbine This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Use

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

Use, Special or Conditional

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the ordinance and to any special conditions imposed by the Township Planning and Zoning Commission to protect the use by right of other properties in Manlius Township.

Use, By Right

Any use which is listed as a use by right in any given zoning district in this ordinance. Uses by right are not required to show need for their location.

Use, Transitional

A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

Variance

A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. A variance is not an exception.

Vehicle (Inoperable or Abandoned)

Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobile or trucks.

Wall, Obscuring

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

Water, Frontage

The land adjacent to and abutting the mean high water mark of all inland lakes, rivers and streams.

Waterfront Lot - Front

The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the lake, river or stream.

Waterfront Lot – Rear

The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high water mark of the lake, river or stream.

Wind Energy System (WES) This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Wind Energy System Farm This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Wind Energy System, Interconnected This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Wind Energy System On-site Use This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Wind Energy System On-site Use Small Structure Mounted This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance

Wind Energy System, Utility Grid This term is related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance

Wind Site Assessment related to Wind Energy Systems, see definition in Section 1.0340.2 of this Ordinance.

Yard

An open space on the same lot with a building or building group lying between the front, rear or side all of a building and the nearest lot line, unoccupied except for projections, such as porches and steps, and the specific minor uses or structures allowed in such open space under the provisions of this ordinance.

Yard, Corner Side

A side yard which faces a public street.

Yard, Front

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Interior Side

A side yard located immediately adjacent to another zoning lot or to an alley or easement separating such side yard from another zoning lot.

Yard, Rear

A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard Sale

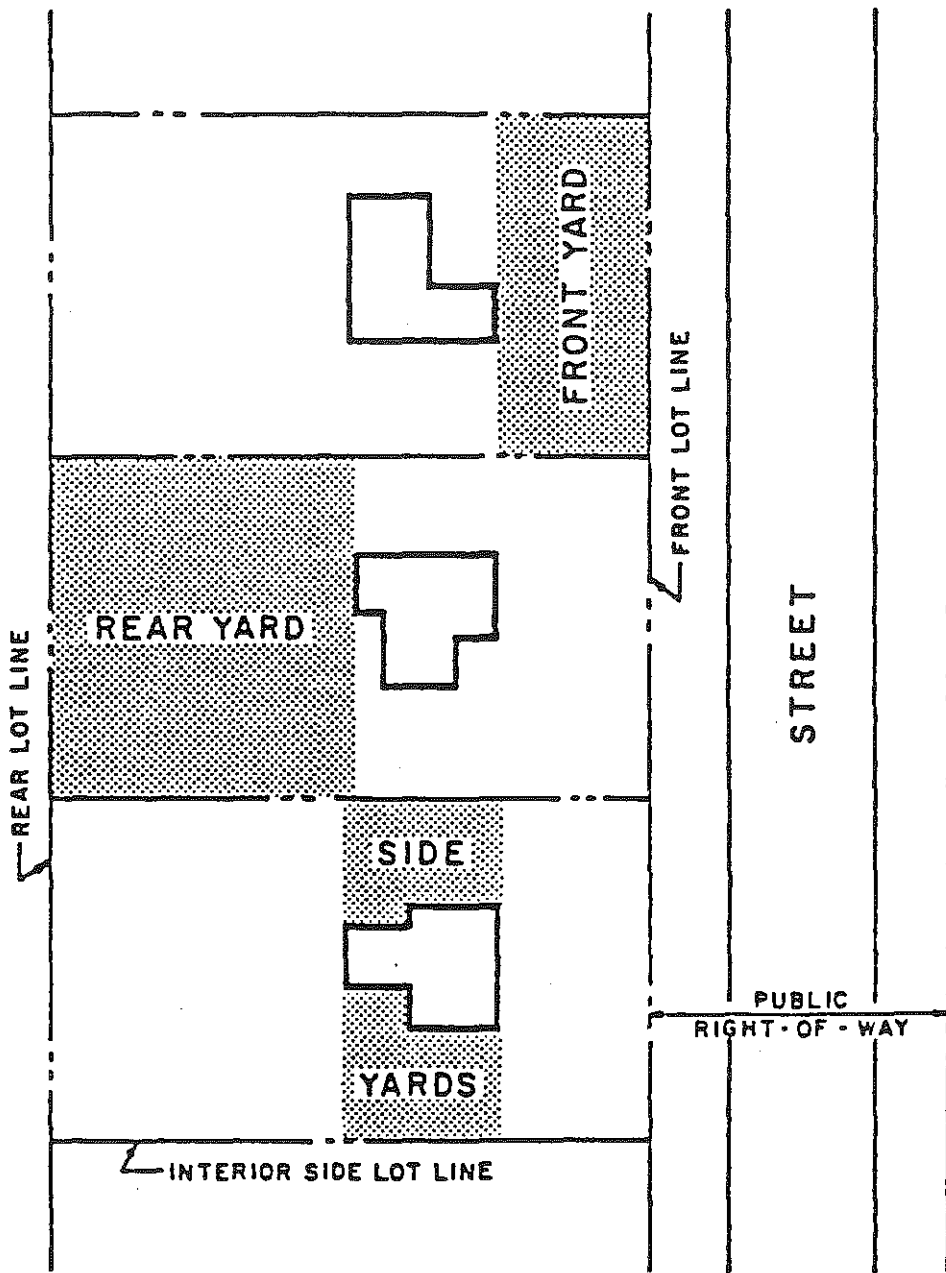
The offering for sale and/or sale of personal property conducted in or near a residence under cover, partially under cover, or out-in-in the open (with or without tables for display) by the owner or occupant of the premises or by another person with the permission of the owner or occupant of the premises. The term shall include garage sales, patio sales, rummage sales or other similar sales. "Yard Sale" shall not include a farm stand or roadside stand at which produce or flowers grown on the premises are offered seasonally for sale as permitted by the Manlius Township Zoning Ordinance. The term "items of personal property" as utilized herein means chattels, goods and other tangible items including but not limited to household goods,

clothing, baby items, mini-bikes, bicycles, machinery and equipment, all-terrain vehicles, household items, furniture, appliances, motor vehicle and equipment parts, exercise equipment, recreational equipment, boats, trailers, building materials, windows, carpeting and similar items. The term "items of personal property" does not include produce or flowers grown on the property at which they are offered for sale.

Amended 9/18/2013 ORD. #2013-3

Yard, Side

A yard on the same lot as a building situated between the side lot line and line parallel thereto and passing through nearest point of the building, and extending from the front yard to the rear yard.



YARDS

The following general provisions establish miscellaneous regulations that have not been specifically provided for in other portions of this ordinance; yet they are applicable to all zoning districts unless otherwise indicated.

1.0301 THE EFFECT OF ZONING

In order to carry out the intent of this ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions and intent of the specific zoning district in which it is located.

1.0301.1 If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this ordinance.

1.0301.2 In the event a use, activity, building or structure is existing or under construction at the time of the effective date of this ordinance or is commenced within 60 days of the effective date of this ordinance, and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such for construction to be completed, providing said construction is not discontinued for a continuous period in excess of sixty (60) days and does not require more than two years from the effective date of this ordinance for completion.

1.0302 RESTORATION OF UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening of a lawful, conforming building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

1.0303 REQUIRED AREA OR SPACE

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it smaller than the minimum required under this ordinance except as permitted in Section 1.0309. If already less than the minimum required, it shall not be further divided or reduced except as permitted in Section 1.0309,

nor shall any yard required for a principle building be included as part of a yard required under this ordinance for any other building.

1.0304 **ILLEGAL DWELLINGS**

1.0304.1 The use of any portion of a basement, not considered a story, of a completed or partially completed structure for dwelling purposes shall not be allowed. Garages or accessory buildings shall not be occupied for dwelling purposes.

1.0304.2 No structure without adequate sanitary facilities or otherwise structurally incomplete shall be issued a permit of occupancy by the Zoning Administrator.

1.0305 **ACCESSORY BUILDINGS**

Except as otherwise permitted in this ordinance, accessory buildings shall be subject to the following regulations:

- a. Where the accessory building is attached to or within 10 feet of a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to such main buildings.
- b. Where the accessory building is attached to a main building and thus subject to all ordinances and codes applicable to that main building.
- c. No accessory building, except for farm buildings, shall be built upon any lot on which there is no principal building unless the accessory building is located on adjoining lots in single ownership. All of the above exceptions are subject to special use permit approval by the Planning and Zoning Commission.
- d. Accessory buildings shall not be erected in any required front or side yard.
- e. R-1 district – Any accessory building may occupy not more than 10 percent of a required rear yard and, in addition, not more than 25 percent of any non-required rear yard, provided that in no instance shall that total accessory building exceed a size of total square feet of 4,000 (four thousand square feet).

R-2 & R-3 districts – Any accessory building may occupy not more than 10 percent of a required rear yard and, in addition, not more than 25 percent of any non-required rear yard, provided that in no instance shall that total accessory building floor area not exceed the ground floor area of the main building.

This requirement in this section, (e.), shall not apply to normal farm buildings.

- f. In residential districts, any accessory building shall be located in the rear yard of the lot, except when attached to the main building. The rear yard here is defined as the space on a lot or parcel lying between the main building or group of main buildings and the rear lot or property line. In the case of row housing or apartment developments, parking garages or covered bays may be exempted from this requirement subject to approval by the Zoning Administrator.

- g. No detached accessory building shall be located closer than ten (10) feet to any main building or any street right-of-way line, nor shall it be located closer than ten (10) feet to any side or rear lot line. (As Amended by Ord. #2008-1 On 8-28-2008)
- h. No detached accessory building in a residential district shall exceed twenty (20) feet in height.
- i. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.

1.0306 **REGULATION OF DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS**

Dish-type satellite signal receiving antennas, television antennas and radio antennas shall be allowed in all districts, subject to the following restrictions:

- a. No satellite signal receiving dish antenna, television antenna or radio antenna shall be constructed or located in the front yard of residential premises, unless concurrence by the building inspector that existing trees or other obstacles existing within the side or rear yards prohibits adequate reception of signals.
- b. A satellite receiving antenna, television antenna, or radio antenna shall not be located within five (5) feet of the side, rear or front lot lines (if placed in the front yard in a residential zone due to conditions identified in paragraph a.)
- c. A satellite receiving dish antenna, television antenna or radio antenna may be placed upon the roof of the main building on the property, but shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires. Such antennas may be placed upon accessory buildings.
- d. A satellite receiving antenna in a residential zone shall not exceed a height of more than five (5) feet above the roof upon which it is mounted and a roof-mounted receiving antenna dish shall not exceed three (3) feet in diameter.
- e. A satellite receiving antenna shall not exceed a height of twelve (12) feet above grade, television and radio antennas shall not exceed a height of twenty (20) feet above the roof ridge line for roof-mounted antennas.

- f. All structural supports shall be of galvanized metal.
- g. Wiring between a ground mounted satellite receiving antenna and a receiver shall be placed at least four (4) inches below the ground within rigid conduit, or appropriate type of underground cable.
- h. Aboveground wiring for roof mounted antennas, must be located at least twelve (12) feet aboveground grade.
- i. Such satellite receiving antenna, television or radio receiving antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires and eighty-five (85) miles per hour with the use of supporting guy wires.
- j. Any driving motor shall be limited to 110V maximum power design and be encased in protective guards.
- k. A satellite receiving antenna must be bonded to a grounding rod.

1.0307 **DUMPING OF MATERIALS**

- 1.0307.1 Storage, dumping of waste, junk, etc. - the use of land or water resources for the dumping or disposal of litter, scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the process of industrial manufacturing or in the performance of normal household or farming activities on the same lot or parcel on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Township Board, after a public hearing and in accordance with P.A. 641 of 1978 as amended. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after a public hearing is held and approval granted by the Township Board. Unauthorized dumping of such materials shall be subject to the penalties of the Manlius Township litter ordinance.
- 1.0307.2 An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Township Board. Such dumping or disposal shall not negatively affect the water table, nor cause pollution of stagnant or running water in any area of the Township or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit, or the character of the land substantially altered so as to make it unusable for the uses for which it was originally zoned.

- 1.0307.3 Dumping of soil, sand and clay materials - the extensive dumping of soil, sand, clay or similar materials in excess of five hundred (500) cubic yards and not related to site construction shall not be allowed on any lot or parcel without approval of the Planning Commission and subject to the requirements set forth by said board.
- 1.0307.4 Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within Manlius Township, except as permitted by current federal and state regulations.

1.0308 **EXCAVATION OF HOLES**

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures, or for industrial or farming operations, including the mining of sand and gravel provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Allegan County, Manlius Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals, upon termination of such activities for a period of one (1) year or more, shall be required to be refilled by the person, or firm or corporation engaging in such excavation. The excavated site shall be graded and reclaimed.

- 1.0308.1 Any excavation or removal of sand or gravel or other minerals in excess of 500 cubic yards shall need a permit pursuant to Article XXI.
(As Amended by Ordinance #2001-1 on 1/27/01)

1.0308.1a **EXCAVATION OF OUTDOOR POND**
(As Amended by Ordinance # 2001-6 on 8/30/01)

Required Authorization. No outdoor pond shall be constructed, erected, installed, located, deepened, expanded, reconstructed, or widened unless it has first been authorized as a special use permit, as is provided in this section by the Planning Commission. If an existing outdoor pond is to be expanded or widened beyond its existing footprint, the outdoor pond shall be brought into full compliance with all requirements of this section. If an existing outdoor pond is to be reconstructed within its existing footprint (e.g., deepened, cleaned out, etc., but not expanded or widened more than 10%), the outdoor pond shall not be required to be brought into full compliance with all requirements of this section, provided, however, that an existing outdoor pond that is reconstructed within its existing footprint shall have a slope no steeper than 1:3. For purposes of this subsection, the phrase "existing outdoor pond" shall mean an outdoor pond that was constructed, erected, installed, or otherwise located on a lot prior

to July 1, 2001. This section shall not apply to retention or detention ponds nor to ponds that are constructed as part of a PUD approval.

All ponds that are constructed, erected, installed, or otherwise located on a lot on or after that date shall, must, at all times, comply fully with all requirements of this Section, including, without limitation, if and when the pond is deepened, expanded, reconstructed, or widened .

1.0308.2 Application. An application for authorization of an outdoor pond shall be made to the Planning Commission. The application shall include the following:

1. The name of the owner or the president/chief executive officer of the firm, association, partnership, joint venture, corporation, limited liability company, trustee or personal representative, or other equivalent entity which is or will be the owner of the outdoor pond.
2. The location of the proposed outdoor pond or the existing outdoor pond which is to be deepened, expanded, reconstructed, or widened.
3. A statement of purpose(s) or use(s) of the outdoor pond.
4. The safety precautions to be taken to protect those persons making use of the outdoor pond or who might be in danger thereby. These safety precautions shall address not only those persons who are anticipated to utilize the outdoor pond and its adjoining lands but also any third parties who may elect to utilize the outdoor pond and its adjoining lands without authorization from the owner.
5. A survey prepared pursuant to the survey requirements of 132 of 1970 as amended (MCL 54.211), or any similar successor statute, by a land surveyor licensed by the State of Michigan. The survey map shall contain the following.
 - a. The dimensions of the outdoor pond.
 - b. The distances from the outdoor pond to the parcel's boundaries, to any existing or proposed structures on the parcel, to any septic system, to any existing outdoor ponds, lakes, streams or other water courses located within the parcel and/or on adjacent properties, and to any buildings and structures on adjacent parcels.

6. Drawings of the outdoor pond prepared by an engineer licensed by the State of Michigan showing or otherwise stating the following information:
 - a. The depth of the outdoor pond.
 - b. The surface area of the outdoor pond at the normal water elevation.
 - c. The surface area of the pond that meets the minimum depth requirement contained in subsection 1.0308.4.3, below.
(Amended 10/29/2004)
 - d. The contour of the outdoor pond's side slopes and of the area in the general vicinity of the outdoor pond.
 - e. The volume of soil to be excavated for the outdoor pond and the volume of that soil which will be kept on the site of the outdoor pond.
 - f. Plans regarding excavation for the outdoor pond, including equipment access and the placement of soil on the parcel, if applicable.
 - g. Landscaping to be installed around the outdoor pond, including any berms, fencing or screening.
 - h. The effect of the outdoor pond on (i) the water table of the parcel to be occupied by the outdoor pond, (ii) the water table of parcels in the vicinity of the outdoor pond, and (iii) on the quality and quantity of water available from wells on parcels in the vicinity of the outdoor pond. This information and analysis shall specifically address the consequences of any dewatering planned in conjunction with the construction, erection, installation, expansion, reconstruction, deepening, or widening of an outdoor pond. In its discretion, the Planning Commission may require that the engineer's statement concerning the matters included in this subparagraph and state that it can be relied upon by the Township and by the owners of all lands within the vicinity of the outdoor pond.
 - i. Provisions for maintenance of the outdoor pond, including equipment such as bubblers, aerators,

fountains, etc. and the method of filtration and treatment of the outdoor pond water, if applicable.

7. A soil borings report showing soil borings on the proposed site of the outdoor pond. There shall be a minimum of one soil boring for each full pond acre for the first five acres of pond coverage and, thereafter, one additional soil boring for each additional five acres or fraction thereof of pond coverage, i.e. six borings for a pond with coverage of more than five acres but no more than ten acres, seven borings for a pond with coverage of more than ten acres but no more than 15 acres, etc. All soil borings shall be reasonably distributed so as to give comprehensive coverage of the proposed pond area and shall be made at least to the anticipated depth of the pond in the vicinity where the soil boring is taken. The soil borings report shall be prepared by a geotechnical engineer licensed by the State of Michigan.
8. A statement concerning the hours of operation relating to the construction of the outdoor pond and the duration of the outdoor pond construction project.
9. Drawings showing the low water clearance level over stumps and other materials constituting an underwater hazard.
10. Such additional information as the Zoning Administrator or the Planning Commission may request in order to evaluate the application.

1.0308.3 Procedure. The following procedures shall apply to applications for outdoor ponds.

1. An application for an outdoor pond shall be heard and decided by the Planning Commission. No pond shall be approved pursuant to this subsection unless the pond meets all of the restrictions and requirements contained in Section 1.0308.4.

1.0308.4 Restrictions and Requirements. The following restrictions and requirements shall apply to all outdoor ponds:

1. Outdoor ponds may only be located as follows:
 - a. Landscaping and visual enhancement of the parcel - all zoning districts.

- b. Recreation, swimming and boating - in the AG, FR R-1, R-2, R-3, and C zoning districts only as an accessory use to a permitted principal use of the parcel.
 - c. Livestock watering and fish production for commercial purposes - in the AG zoning district only.
 - d. Wildlife habitat, not used for any commercial purposes- all zoning districts.
 - e. Source of water for irrigation, spraying or fire suppression in the AG zoning district and for a planned unit development if included as an approved accessory use.
 - f. Storm water retention, detention, or drainage - in all zoning districts.
2. The outdoor pond shall comply with all of the yard requirements for the zoning district in which it is located. As part of the authorization of the pond, the Planning Commission may approve the location of an outdoor pond in a front yard.
3. Each outdoor pond shall have a required depth over a minimum of fifteen (15%) percent of the area of the outdoor pond as follows:

<u>Pond Size</u>	<u>Required Depth</u>
1 acre or smaller	10 feet or more
Larger than 1 acre	15 feet or more

If the Planning Commission shall determine that compliance with the required depth requirement of this subsection is not necessary to maintain acceptable water quality in the outdoor pond, then the Planning Commission, in its discretion, may waive the required depth requirement of this subsection.

4. The side slopes (contour) of an outdoor pond shall be constructed and maintained below normal water level with a slope no steeper than 1:6 until a depth of three (3) feet and thereafter with a slope no steeper than 1:3.
5. The side slopes (contour) of an outdoor pond shall be constructed and maintained above the normal water elevation with a slope no steeper than 1:6 for a minimum distance of ten (10) feet measured along the slope from the normal water elevation. This ten (10) foot area shall be maintained with stone, rock, sand, or other similar materials.

6. All stumps and other materials that could constitute an underwater hazard shall be removed provided, however, that stumps and other materials need not be removed if there is at least a ten (10) foot clearance between the stump or other underwater material and the normal water elevation of the pond.
7. The discharge pipe from any outdoor pond without a direct outlet to an established drain shall have the drain size designed and engineered by an engineer licensed by the State of Michigan and approved in writing by the Allegan County Drain Commissioner. No outdoor pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another and no outdoor pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the outdoor pond is located. Discharge into the public sanitary sewer is prohibited.
8. No water drawn from a governmentally owned or operated water system shall be used in connection with the filling or operation of an outdoor pond.
9. If any sand, topsoil, gravel, or other such material is to be removed from the parcel on which the pond will be located, all requirements of this Ordinance and Article XXI "Earth Removal, Quarrying, Gravel Processing" and all other Township ordinances, rules, and regulations shall be complied with as well as all requirements of all county, state, and federal ordinances, statutes, laws, rules, and regulations.
10. No outdoor pond located on land that is not included in a subdivision, site condominium, or other residential development consisting of multiple building sites shall be located closer than seventy-five (75) feet from the exterior boundary of the land on which it is located and for all other ponds seventy-five (75) feet from the outside boundary of the subdivision, site condominium, or any other residential development. However, if written consent is obtained and provided to the Township from the adjoining land owner(s), or the Planning Commission (if it is considering and deciding on the outdoor pond application) may, in approving an outdoor pond, permit a setback of less than seventy-five (75) feet in either of the two situations described above in this subsection, subject, however, to a minimum setback of twenty-five (25) feet.

Standards. In considering approval of an outdoor pond, the Planning Commission shall consider the following standards:

1. Whether all other permits or approvals from other governmental units or agencies have been obtained; for example, approval of the Allegan County Drain Commissioner for any ponds that would come under the jurisdiction of that office and any approval/permit that may be under Part 301 of the Natural Resources and Environmental Protection Act.
2. The location of the outdoor pond on the parcel and its proximity to adjoining parcels.
3. The potential for the outdoor pond to become a safety hazard for adjoining property or the public.
4. The number of other outdoor ponds on the parcel or in the vicinity of the parcel.
5. The character, nature and size of the outdoor pond and its effect on the parcel, including the effect on other appropriate uses of the parcel.
6. The potential for the outdoor pond to result in stagnant water or insect breeding so as to become a nuisance.
7. The effect of the outdoor pond on adjacent properties, on wells and the water table in the vicinity and on the health, safety and welfare of the public.

Conditions for Authorization. In giving its authorization, the Planning Commission may:

1. Require financial assurance for the completion of the outdoor pond project within the time set in the issued building permit. The financial assurance shall be in the form of a bond or a letter of credit acceptable to the Planning Commission and which shall permit the Township to access such funds to enable the Township to remedy a violation of the authorization and the issued building permit. The Planning Commission shall determine the amount of such bond or letter of credit at the time of authorization.
2. Require proof of liability insurance in amounts acceptable to the Planning Commission, which shall be in place at the time

the building permit is issued and shall be maintained until the pond construction project is completed.

3. Require that the outdoor pond be enclosed with a wall, fence, or other type of enclosure. Such wall, fence, or other type of enclosure shall not be less than four (4) feet above the grade line. The wall, fence, or other type of enclosure shall be designed so there are no openings of such a nature or size as to permit any child to pass through or under the fence, wall, or other type of enclosure except as a gate or door, and shall be of a type not readily climbable by children. All gates or doors leading to an outdoor pond, except a door in any building forming a part of the enclosure, shall be kept closed when no one is present on the lot on which the outdoor pond is located and such gates and doors shall be fitted with a positive latching device which will automatically latch them when said gate or door is in a closed position.
4. Require the construction, installation, operation, maintenance, and repair of bubblers, aeration equipment, fountains, or similar devices intended to maintain and enhance the outdoor pond water quality.
5. Impose such other conditions or require such modifications in the plans for the outdoor pond as are determined reasonable and necessary for the protection of the health, safety and welfare of the general public.

1.0308.7 Responsibility. By applying for approval of the outdoor pond, the applicant shall be deemed to have consented to and agreed to all of the following:

1. That applicant and all parties at any time owning or having any interest in the premises on which the outdoor pond is located agree that they shall, at no time, petition for the establishment of a lake board pursuant to Michigan Act 345 of 1966, as amended, or pursuant to any similar successor statute, and they shall, at no time, petition for or otherwise investigate any other legal proceeding under any federal or state statute or other provision of federal or state law which would result in the imposition of an assessment, charge or other financial responsibility on the Township in connection with the outdoor pond. Without limiting the generality of the immediately preceding sentence applicant and all parties at any time owning or having any interest in the premises on which the

outdoor pond is located shall at no time petition for the maintaining of normal height and level of waters, maintenance, improvement, or development of the outdoor pond for fishing, wildlife, boating, swimming, algae and other vegetative controls, or for any other recreational or agricultural use.

2. That applicant has designed and engineered the outdoor pond and assumes all responsibility with respect to the adequacy of its design, the adequacy of any outlet(s), the safety of the outdoor pond with respect to adjoining land owners and the public generally and all other aspects of the pond=s construction, erection, installation, location, repair, maintenance, expansion, widening, reconstruction, or deepening.
3. That applicant shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Township and its officers, Board, Planning Commission and agents against any and all claims, damages, demands, expenses, liabilities, and losses of any character or nature whatsoever arising out of or resulting from the construction erection, installation, location, maintenance, repair, reconstruction, deepening, expanding, or widening of the outdoor pond, including, but without limitation, any liability to third parties on account of any negative effect caused by the outdoor pond on the water table of parcels of land in the vicinity of the outdoor pond. The indemnification obligation provided in the preceding sentence shall include the payment of all reasonable attorney's fees and other expenses of defense.

The provisions of this subsection shall be included as part of the application for an outdoor pond and the applicant shall be required, as a condition of making an application for an outdoor pond, to accept and agree to all of the provisions of this subsection.

1.0308.8 **Building Permit.** Upon authorization and compliance with all conditions, The Zoning Administrator shall issue a building permit for the pond Construction project. The building permit shall be valid for a period of (1) year provided that the permit may be renewed prior to its expiration date by the Zoning Administrator for a period not exceeding an additional six months.

1.0308.9 **Garden/Landscaping Ponds.** This section shall not apply to small garden and/or decorative landscaping ponds having a permanent liner

with an aggregate surface area of 150 square feet or less or to "holes" as defined in Section 1.0308.

- 1.0308.10 Verification of Compliance. Upon completion of the outdoor pond, the engineer who prepared the drawings of the outdoor pond as required in subsection 1.0308.2.6. unless that requirement has been waived by the Planning Commission, shall certify that the outdoor pond has been constructed, erected, installed, located, deepened, expanded, reconstructed, or widened in accordance with the application and the Planning Commission approval. The engineer's certification shall be made within thirty (30) days of the completion of the outdoor pond and prior to the utilization of the outdoor pond for its intended purposes. The Zoning Administrator may, in his or her discretion, require a review by the Township's engineer, at the sole cost and expense of the applicant, to verify such compliance. In such circumstances the applicant shall deposit with the Township a fee in the amount of the reasonable anticipated cost of the Township engineer's review. If the advanced payment of fees exceeds the actual expense of the Township engineer's review, the Township shall return the entire or unused portion of the deposit to the applicant. If the advanced payment is insufficient to pay the actual expense of the Township engineer's review, then the applicant shall promptly pay the Township the balance of the engineering expense.

(Amended By Ordinance #2004-2 on (10-29-04)
(Amended By Ordinance #2005-2 on (11-14-05)

1.0309 EXISTING PLATTED LOTS

As an exception to the effective date of these ordinances those existing and previously split or platted lots, which have been properly recorded as such in the County of Allegan, in legal document form consisting of more than just a survey, which meet all size, frontage, and area requirements of the ordinance utilized prior to the adoption of ordinance in November 1994, and which met all other zoning requirements for the district and use in which they were created, and had frontage on either a public or Township recognized private road. Thereafter, each lot existing at the time of adoption of this ordinance (1994) and meeting all the requirements identified above, may be built on and utilized in accordance with the requirements in effect on the date such lots were recorded provided that they meet set backs; front, side, and rear, by at least fifty five, (55) percent of the required of this ordinance for the zoning district in which the lot is currently located.

(As Amended By Ordinance #2004-1 on April 27, 2004)

1.0310 BASIS OF DETERMINING YARD AND SETBACK REQUIREMENTS

The required front yard shall be measured at a right angle from the right-of-way line to the nearest foundation or building wall of the building or structure; provided that where an existing setback line has been established by existing buildings occupying fifty (50) percent or more of the frontage within the same block or where unplatted within 300 feet of the proposed building, such established setback shall apply. A lot having a side yard line adjacent to any zoning boundary line of a more restricted district shall have a side yard not less than the minimum width required for the adjoining side yard for the more restricted district.

1.0311 FENCES, WALLS AND HEDGES

Notwithstanding other provisions in this ordinance, fences, walls or hedges may be permitted on any property provided that no fence, wall or hedge exceed a height of six (6) feet, and shall be no closer than three (3) feet from the front property line or road right-of-way.

1.0311.1 Vision Clearance on Corner Lots. On any corner lot in any residential district, no sign, structure or plantings higher than three (3) feet above established curb grade, except trees with a minimum clearance of eight (8) feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on the street lot lines twenty (20) feet distant from the corner.

1.0312 GREENBELTS AND PROTECTIVE SCREENING

1.0312.1 On corner lots, no plantings shall be established or maintained which obstructs the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two intersecting streets and a line connecting them twenty (20) feet from the point of intersection. In the case of a rounded street corner, such measurements shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to thirty-six (36) inches.

1.0312.2 Outdoor storage in commercial and industrial districts (temporary or permanent), when abutting residentially-zoned or developed premises, shall be screened with a six (6) foot solid fence or wall and/or evergreen planting, the ultimate height of which will reach at least six (6) feet.

1.0312.3 The plans for required protective screening shall be submitted to the Zoning Administrator for his approval or recommendations as to suitability and arrangement of planting material. Any limbs, shrubs, or bushes which extend into the property of adjoining residential property, may be trimmed back by the residential property owner, except for trees whose branches begin eight (8) feet or more above ground level.

1.0313 **DEMOLITION PERMITS**

No building shall be razed except by permit from the Zoning Administrator, who is authorized to require a performance bond, the rate of which is to be determined by the Township Board. Such bond shall be conditioned upon a reasonable time limit for the demolition, and shall meet the health and safety requirements of the Zoning Administrator as stipulated in the permit.

1.0314 **WATER SUPPLY, SEWAGE DISPOSAL**

All dwelling places, all commercial establishments, all industrial operations, and all places of public assembly shall be provided with a safe and adequate water supply and sewage disposal system. No building hereafter constructed or put to any of such uses shall be used until the owner of the premises has obtained a written approval of the water supply and the sewage disposal system from the Allegan County Health Department. Connection shall be made to a public water supply and public sewer system when available to premises not having a safe and adequate water supply and sewer system. No structure without adequate sanitary facilities or otherwise structurally incomplete shall be issued a permit of occupancy by the Zoning Administrator.

1.0315 **USE OF TEMPORARY BUILDINGS AND STRUCTURES**

Temporary buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions.

1.0315.1 During renovation of a permanent building damaged by fire, the temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.

1.0315.2 Temporary buildings and structures incidental to construction work except single-family residences. Said temporary building(s) shall be removed within fifteen (15) days after construction is complete, but in no case shall the building(s) or structure(s) be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Board of Appeals.

1.0315.3 Semi-trailers or modified wheel vehicles shall not be used for storage for storage of materials of any kind, except as in Section 1.0315.2 above; this provision would include single-wide mobile homes.

1.0315.4 Temporary building incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant State agencies.

1.0316 **ESSENTIAL SERVICES**

Essential services, as defined in this ordinance, may be carried on in any and all districts. But no building in connection therewith shall be constructed in any R district or AR district unless, upon petition therefore, the Planning and Zoning Commission shall approve the same after hearing on said petition. Notice of any such hearing shall be given to all owners and occupants of property within five hundred (500) feet in each direction from the proposed site. The Planning and Zoning Commission shall not approve such petition if it determines that such construction is not necessary to the operation of the service, or that such construction will offend or deteriorate the character of the neighborhood.

1.0317 **CROPS**

Fruits, vegetables, and other crops from the soil may be planted, cared for, and harvested in any agricultural or residential district, whether for the occupant's own use or for sale.

1.0318 **GRADING PERMITS**

Except as exempted by sections of this ordinance, no grading, stripping, excavating or filling, or an earth change shall take place unless a permit has been issued by the County Building Inspector in accordance with Article XX of this ordinance.

1.0319 ZONING PERMITS

Zoning permits shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures shall be located, and such buildings and structures shall conform to the requirements of the zone in which they are located. Farm dwellings, excluding housing for migrant laborers, shall not be deemed incidental to the use of land for agricultural purpose within this section, and the construction or alteration of farm dwellings shall be subject to such zoning permit as in the case of other dwellings.

1.0320 REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on such parcel must begin within a period of one year from approval of such zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning for the purpose of returning the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must be in compliance with the amendment process as provided in this ordinance.

1.0321 TEMPORARY STORAGE OF USED MATERIALS AND VEHICLES

1.0321.1 The temporary storage, collection, or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only after a permit is issued by the Zoning Administrator stating the conditions under which such activity shall be performed. The Zoning Administrator shall require the removal of such material from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying the party of the violation and stating the date on which such materials must be removed from the premises. Administration of this section will become effective immediately for all properties upon which such temporary storage occurs upon adoption of this ordinance by the Manlius Township Board.

1.0321.2 No person, firm, or corporation shall park, store or place upon any right-of-way or public property or upon any private premises within the Township any motor vehicle unless the same is wholly contained within a fully enclosed building except for the following:

- a) Duly licensed and operable vehicles with all main components attached.

- b) Vehicles or trailers that are temporarily inoperable and have all main components attached, which may remain upon such private property for a period not to exceed fourteen (14) days.
- c) Not more than one (1) vehicle in fully operating condition that has been redesigned or reconstructed for a purpose other than it was manufactured, provided that no building or garage is located upon the premises upon which the same could be parked or stored.
- d) Any operable vehicle intended and actually utilized for agriculture or mining purposes.

1.0321.3 No repairing, modifying, or operations shall be allowed upon any vehicle for a period in excess of 24-hours, except within fully enclosed buildings, (or) will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within any 24-hour period heretofore allowed shall not, however, consist of any major repair, redesigning, modifying, or dismantling work but only such occasional minor work as may infrequently be required to maintain a vehicle in normal operating condition.

1.0321.4 In the event the foregoing regulations creates any special or peculiar hardship beyond the control of a particular violator, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereto for a limited period of time not to exceed fourteen (14) days.

1.0322 **VOTING PLACE**

Nothing in this ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

1.0323 **PRINCIPAL USE**

No lot may contain more than one principal (main) structure or use, excepting groups of apartment buildings, offices, retail business buildings, or other groups of buildings the Planning and Zoning Commission considers to be principal structures or uses.

1.0324 **CORNER LOT**

When a lot is bounded by intersecting streets, the front yard requirements shall be met on only one abutting street, provided that no portion of the lot within

twenty-five (25) feet of the side lot line of any adjoining property is utilized for a structure unless the minimum front yard requirements of the adjoining property are met.

1.0325 STREET ACCESS

1.0325.1 Any lot of record created before the effective date of this ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way not less than twenty (20) feet wide. More than one lot may be served by a single access after application for, and receipt of, a Special Use Permit provided for in Article XIX.

1.0325.2 Any lot of record created after the effective date of this ordinance shall have access to a public street right-of-way, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the ordinance.

1.0326 CHILD CARE ORGANIZATIONS

Child Care Organizations as defined by statute shall be permitted in all residential zones provided it meets the requirements of a state licensed residential facility as defined by PA 116 of 1973 and supervises or provides care to six or less persons.

1.0326.1 A licensed or registered group daycare home shall be permitted subject to a special use permit provided it meets the statutory requirements as found in MCL 125.286g

(As Amended by Ordinance #2001-4 on 05/21/01)

1.0327 BUILDINGS TO BE MOVED

Any building or structure, which has been wholly or partially erected on any premises located within or outside the Township shall not be moved and/or be placed upon any premises in the Township unless there is full compliance with Township ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible

with the general character and design of surrounding properties. Such compatibility shall first be determined by the Zoning Administrator upon review of the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within 15 days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district.

1.0328 **TRASH CONTAINERS**

Outside trash containers except those used for emergency or temporary service, shall be permitted in the C and I districts and on property occupied by multiple-family housing of four or more units provided that they comply with the following requirements. Emergency or temporary containers may be allowed on premises for a period not to exceed one (1) week, unless an extension is granted by the Zoning Administrator.

1.0328.1 Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.

1.0329 **STORAGE AREA**

All dwellings in the township shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure with standard construction, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.

1.0330 **MOBILE HOME DWELLINGS**

1.0330.1 General Provisions

a. No person shall 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:

1. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relating to the uses, size of premises, floor area, minimum width, setback, side lot and rear lot requirements specified for the particular zoning district, in which said premise is situated; and

2. 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.

1.0330.2 FOUNDATIONS

- a. Mobile homes may be installed upon a basement, provided the foundation complies with building code requirements for single-family dwellings, and meets the manufacturer's specifications for pillar placement and imposed load capacity. Each mobile home shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. In the event the manufacturer's recommended installation specifications exceed the minimum specifications for connections provided herein, the manufacturer's specification shall in all cases be complied with.
- b. Mobile homes without a basement shall be installed upon a permanent foundation constructed on-site in accordance with the building code for conventionally constructed single-family dwellings. In addition, a skirting of masonry, brick, or concrete blocks shall be constructed between the foundation and the base of the dwelling, and shall be vented. Louvered or similar vents shall be, at a minimum, 600 square inches per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home, and two vents shall be placed on each exposed site. An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed in the rear section of the skirting. Each mobile home shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission. In the event the manufacturer's recommended installation specifications exceed the minimum specifications for connections provided herein, the manufacturer's specifications shall in all cases be complied with.
- c. All construction herein required shall be commenced only after a building permit has been obtained in accordance with the building code applicable within the Township.
- 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 United States

Department of Housing and Urban Development mobile home construction and safety standards (24CRF3280), 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 said United States Department of Housing and Urban Development mobile home construction and safety standards.

1.0330.3 Aesthetic Compatibility

- a. The foregoing requirements of Section 1.0331 notwithstanding, the placement and use of a mobile home in any zoning district within the Township shall be aesthetically compatible in design and appearance with conventionally constructed, on-site, single-family dwellings, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same. At a minimum, the wheels and towing mechanism of any 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 districts.

Any determination of aesthetic compatibility shall be based upon the standards set forth in this section, as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling, or such areas developed with dwellings to the extent of not less than twenty percent (20%) of lots situated within said area, or where said area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks of the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, relief from the common or standard design home.

- b. The compatibility of design and appearance shall be determined 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 Zoning Board of Appeals within a period of fifteen (15) days of the receipt of notice of said Zoning Inspector's decision.

1.0330.4 Additions

- a. All premanufactured room or other area additions to a mobile home shall comply with the standards of construction provided for in this ordinance for mobile homes, and shall be installed upon a permanent foundation as provided herein for the principal dwelling. Conventionally constructed additions to mobile homes shall comply in all respects with the applicable building codes.

1.0330.5 Definition

- a. As used herein, the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis, and designed for permanent year-round living as a single-family dwelling, provided that the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles), or other transportable structures designed for temporary use, which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, potable water and utilities.

1.0330.6 Certificate of Approval

- a. 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 indicate satisfactory compliance with all requirements of the Township Zoning Ordinance and Building Code.

1.0331 **MINIMUM WIDTH OF DWELLINGS**

All dwellings erected, constructed, or placed within any zoning district in the Township, and located outside of a licensed mobile home park, shall have a minimum width across the entire elevation of twenty (20) feet.

1.0332 **BUILDING HEIGHTS**

- 1.0332.1 All Districts. No building shall exceed 35 feet in height. This also shall be applied to include the height from an established grade to any objects or items tethered or attached in some way to the ground to another building or structure such as wind energy systems, machinery or any other similar devices. (Amended By Ordinance #2006-1 on 10/09/06)

1.0332.2 Exceptions to Height Limits. Governmentally owned structures, churches, parapet walls not exceeding three (3) feet in height, belfries, cupolas, domes, chimneys, smokestacks, flagpoles, radio towers, masts and aerials, television antenna, ornamental towers, monuments, transmission towers, cooling towers and necessary mechanical appurtenances, silos and other farm-related structures (except dwellings) are excepted from required height limitations unless otherwise specified in this ordinance.

1.0333 PRIVATE ROADS

1.0333.1 A private road which serves more than one separately owned parcel, or more than one dwelling unit shall only be constructed under the conditions specified in this section, as a special use requiring prior approval of the Township Planning Commission. Two (2) permits for a private road shall be required: a preliminary permit shall be obtained prior to the commencement of any road construction work and shall be issued after initial plans, specifications, easement language and joint maintenance agreements, as identified below, have been approved by the Planning Commission. A final private road permit shall be issued after the road has been constructed and final approval has been given by a Registered Engineer. These requirements and regulations shall not apply to driveways involving or serving a single resident or lot of record.

- a. The owner(s) of property over which such private road is to be constructed shall be required to record an easement having a width of at least sixty-six (66) feet for roadway purposes, dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.
- b. A roadway maintenance agreement, easement agreement, and deed restrictions shall be recorded in the County Register of Deeds Office for Allegan County, Michigan, providing for the perpetual private (nonpublic) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress and use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the private road.

(Amended on 04-18-96)

The agreement shall provide for majority vote rules regarding decisions on maintenance to, and improvements of, the private road. The maintenance agreement shall include a provision stating that if the private road is not properly maintained (as determined by the Manlius Township Board), the Township has the option of making necessary repairs and charging the cost of such repairs back to the benefited properties.

- c. All lots served by a private road must meet the Zoning Ordinance district requirements in which they exist. Setbacks shall be measured from the edge of the private road right-of-way.
- d. The private road shall have a name and street sign consistent with the Allegan County Road Commission standards. A location map of the private road and street name shall be submitted to the Township Fire Department, Allegan County Sheriff Department, and any emergency service organization serving Manlius Township.
- e. No construction of any building using access from a private road shall occur until all appropriate local, county and state permits and approvals have been obtained.
- f. Private roads shall not be used for commercial, industrial or other business uses. Such uses shall require frontage on, and direct access to, a public road.
- g. Private roads shall be constructed according to the following standards: *(As Amended by Ordinance #96-2 on 11/10/97)*
 - 1. Minimum roadway having a width of sixty-six (66) feet for roadway proposes and utilities.
 - 2. Minimum sand base of twelve (12) inches sand compacted.
 - 3. Minimum of six (6) inches of 22A road gravel.
 - 4. Minimum of longitudinal grade of two (2) percent and minimum lateral grade (side slope) of two (2) percent shall be established.
 - 5. Minimum of five (5) feet of shoulder on each side of the roadway, with black top pavement of twenty-two (22) feet road bed.

6. Minimum of three (3) feet below center line of road for bottom of ditch.

h. Private road amendments effective December 14, 1997.

1. Any private road serving four (4) or less parcels is exempt from the paving requirements.

2. Any extension of an existing private road which will increase the number of parcels served to more than four (4) will subject the existing private road and the extension to the requirements of paving the entire road. If the extension creates an intersection with the original private road, all private roads will be paved regardless of the number of parcels served.

a. If the original private road was constructed prior to the adoption of this private road ordinance, the original private road shall be brought into compliance with the existing ordinance.

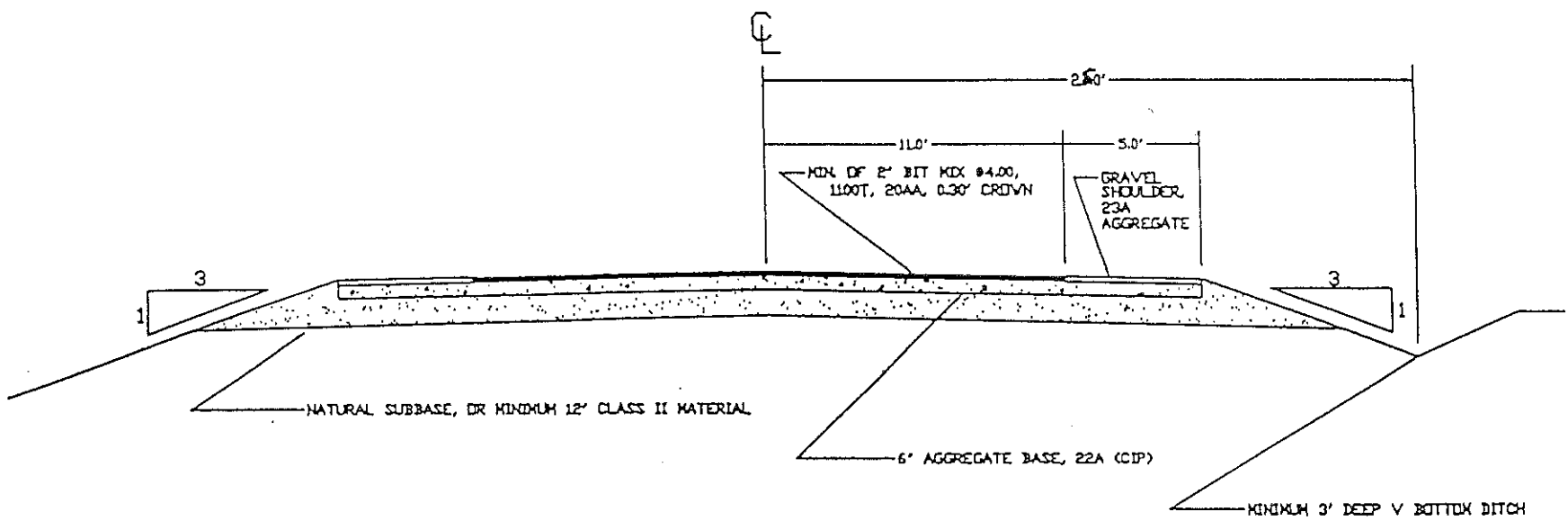
3. A private road shall have only one point of connection to a public road.

4. No private roads shall be connected so as to create a throughway linking two (2) public roads.

5. Each private road shall have a Stop sign which requires all traffic to stop before exiting the private road and entering the public street upon which the private road fronts.

7. Brush and trees shall be cleared a minimum distance of five (5) feet on either side of the roadway.

ALLEGAN COUNTY ROAD COMMISSION STANDARD 32' TOP, NO GUARD RAIL



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- i. Prior to the commencement of any such private road development, the developer shall submit in writing to the Township Planning Commission all of the foregoing required documents, construction plans, and private road location with respect to nearby public roads and the parcels proposed to be served by such private road for the Planning Commission's review with respect to the granting or denial of the special use application. The Planning Commission shall conduct a special use hearing in accordance with the statute and the Township Zoning Ordinance (see required site plan review procedure in Article XIV). The Township Planning Commission shall consider the factors contained in the Township rural zoning act concerning the issuance of a special use permit for the private road in question.
- j. Permit and inspection fees, as set by the Township Board shall be paid by the applicant for certification by a Registered Engineer confirming that the private road, as constructed, meets all required specifications.
- k. Applications for private road serving more than one residence shall meet with the following requirements;
 1. Before requesting final approval of a private road, the applicant must first provide a letter from his/her engineer certifying that the private road was constructed in accordance with the previously approved plans for the same, noting any deviation and reasons for them.
 2. Upon receipt of said letter the Township Zoning Administrator will forward the same to the Township Engineer for final inspection of the road. Once the Township Engineer recommends to the Zoning Administrator that the private road has met all requirements as stated previously in this section, the applicant and/or successors may apply for a zoning approval for building permit. (As Amended By Ordinance #2005-1 on 09-12-05)

1.0334 TRAVEL TRAILERS

Travel trailers, fifth wheel trailers and motor homes, may be parked or stored upon the same lot upon which the primary dwelling is located, provided that no travel trailer, fifth wheel, or motor home may be stored or parked within the front yard for more than thirty (30) days during any twelve (12) month period. No travel trailer, not being used for hunting or seasonal use, may be stored

upon an undeveloped lot. Adequate solid waste disposal facilities shall be provided during occupancy of the travel trailer, fifth wheel trailer, or motor home.

1.0335 ILLEGAL DWELLINGS

The use of any portion of a basement, not considered a story, of a completed or partially completed structure for dwelling purposes shall not be allowed. Garages or accessory buildings shall not be occupied for dwelling purposes.

1.0336 OUTSIDE PRIVY

No outside privy is permitted in any district, except in the case of dwellings and migrant labor housing in agricultural (A) districts; and dwellings, private hunting lodges and private fishing cabins, and in connection with the use of tents in RF districts. This does not apply to porta-johns or similar portable toilets.

1.0337 PROXIMITY OF RESIDENTIAL DWELLING TO SHOOTING RANGE

A minimum distance of 500 feet from the perimeter of any shooting range or the property line of any hunting club shall be required for any dwelling unit.

1.0338 TOWNSHIP USES

All Township uses by the Township governing body, including buildings, structures, improvements or projects, shall be considered permitted uses in any zoning district classification. (Amended By Ordinance #2006-1 on 10/09/06)

1.0339 OUTDOOR LIGHTING STANDARDS

Purpose: This section is intended to regulate outdoor lighting in order to reduce or prevent light pollution and limit the impact of outdoor lighting on adjacent uses. To the extent practicably possible, glare and light trespass should be reduced or prevented, while safety and security are promoted.

1.0339.1 Definitions: The following words and terms related to outdoor lighting are defined as follows:

- a. **Accent lighting** is any directional lighting which emphasizes a particular object or draws attention a particular area.
- b. **Foot candle** is a unit of illumination produced on a surface all points of which are one foot from a uniform point source equivalent to one candle in brightness of illumination.

- c. **Glare** is the brightness of a light source that causes eye discomfort. A **nuisance glare** is light that creates an annoyance or aggravation, including a glare that impairs vision and creates a hazard for pedestrians or drivers.
- d. **Lamp or bulb** is a light producing source installed in the socket of a luminaire.
- e. **Light fixture** is the assembly that holds a lamp and may include an assembly housing, mounting bracket, pole socket, lamp holder, ballast, reflector or mirror, and/or a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- f. **Light Trespass** is the shining of a light produced by a luminaire beyond the boundaries of the property on which the luminaire is located.
- g. **Light Pollution** is artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes an undesirable glare or unnecessary illumination of adjacent properties.
- h. **Luminaire** is the complete lighting system including the lamp and light fixture.
- i. **Mounting Height** is the vertical distance between the surface to be illuminated and the bottom of the light source.
- j. **Outdoor light fixtures** are outdoor artificial illuminating devices, outdoor fixtures, outdoor lamps and other similar devices, permanently installed or portable, used for illumination or advertisement.
- k. **Shielded fixture** is a fixture that is shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted. A shielded fixture almost always has a flat, horizontally oriented lens and opaque sides.
- l. **Spotlight or floodlight** is any light fixture designed to concentrate light or to "flood" a particular area or direction with light.

1.0339.2 General requirements

- a. All outdoor lighting fixtures installed on public or private property after the effective date of this section shall comply with the general standards contained herein. This section does not apply to interior lighting. However, overly bright inside lighting emitted outdoors from any structure will be subject to control of this section if it is determined by the Zoning Administrator that such lighting creates a Nuisance Glare, as defined in this section.

- b. All outdoor lighting fixtures shall be designed, located, installed, arranged and directed in such manner as to prevent light trespass, light pollution and glare from crossing any property lines.
- c. All outdoor lighting fixtures existing and legally installed and operative before the effective date of this section are exempt from these requirements, unless they are determined to create a Nuisance Glare. When existing fixtures become inoperable or are replaced, their replacements are subject to all provisions of this section.
- d. Outdoor lighting fixtures shall not be attached to buildings or other structures (including light poles) which permit light to be directed horizontally.
- e. Outdoor lighting fixtures shall be shielded on top to prevent unnecessary lighting of the night sky.
- f. All freestanding and outdoor lighting fixtures shall not exceed twenty feet (20') in height.
- g. All accent lighting (including illumination of signs or buildings) shall be located and shielded downward, onto the building or object and not toward the sky or adjacent properties. A maximum 125 watt bulb may be used for accent lighting. Accent lighting shall not cause glare.
- h. The intensity of lighting on a site shall not exceed .5 foot candles at the property line.
- i. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement is prohibited.
- j. If deemed necessary to insure the intent and purpose of this section, the Zoning Administrator may require the submittal of any or all of the following information:
 - i. Plan showing the location of all outdoor lighting fixtures, including, but not limited to, pole mounted fixtures, building mounted fixtures and canopy light fixtures.
 - ii. Manufacturer's specification sheets and details for the type of fixture being proposed including, but not limited to, total lumen output, type of lamp, method of shielding, etc.
 - iii. A photometric lighting plan overlaid on a site plan depicting the light intensity throughout the site (in foot candles). Measurements must be at ground level and shown at ten foot intervals.
 - iv. Any other information deemed necessary by the Zoning Administrator in accordance with the intent and purpose of this section.

1.0339.3 **Exemptions:** The following are exempt from the provisions of this section:

- a. Traffic control signals and devices
- b. Temporary emergency lighting (ie., police, fire, repair workers)
- c. Navigation lights (radio/television towers)
- d. Seasonal decorations
- e. Pedestrian walkway lighting
- f. Street lights
- g. Uplighting of the American flag
- h. Outdoor lighting fixtures mounted on the dwelling unit, for single family, 2 family or multi-family dwellings, provided that each outdoor light fixture is does not exceed 150 watts.

1.0339.4 **Administration**

- a. Applications for building permits or applications that require site plan review, including, but not limited to, special use request, Planned Unit Development request, condominium plan review and subdivision plan review, which include outdoor lighting fixtures, shall include documentation of compliance with the requirements of this section. The applicant shall submit any or all documents, including documents referenced in section 1.0339.2, as evidence of compliance.
- b. The Zoning Administrator shall provide a form for submittal of Outdoor Lighting Fixture approval. The Zoning Administrator shall charge a fee for review and approval of the Outdoor Lighting Fixture approval, which fee shall be approved by the Township Board, from time to time as necessary.

1.0340 WIND ENERGY SYSTEMS (WES)

1.0340.1 PURPOSE AND GOALS

The goal of this section of this Ordinance provision and related sections is to establish guidelines for the siting of a Wind Energy System (WES). The goals are as follows:

To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WES shall be governed.

- (A) To preserve and protect the public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WES.
- (B) To promote the safe, effective, and efficient use of a WES in order to reduce the consumption of fossil fuels in producing electricity.

1.0340.2 DEFINITIONS

The following terms and definitions are applicable to this Ordinance Section:

Ambient Sound Level. The amount of background noise at a given location prior to the installation of exterior machinery. The ambient sound level may include, but not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measure on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI).

MET (Anometer) Tower: The temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy tubine at a given site. This includes the tower base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Decommissioning: The process of terminating operation and completely removing a WES and all related buildings, structures, foundations, access roads, and equipment.

Nacelle: The encasement that houses all of the generating components, gear box, drive tram, and other equipment.

Net Metering: A special metering and billing agreement between utility companies and their customers, which facilitates that connection of renewable energy generating systems to the power grid.

Occupied Building: A residence, church, business, or other building used for public gatherings.

Operator: The entity responsible for the day-to-day operation and maintenance of a WES.

Owner: The individual or entity, including their respective successors and assigns, that have an equity interest in or own the WES in accordance with this ordinance.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly which attracts, through rotation, kinetic energy directly from the wind.

Rotor Diameter: The cross-sectional dimension of the circle swept by the rotating blades of a WES.

Scada Tower: A freestanding tower containing instruments such as anemometers that is designed to provide present moment wind data for use by a Supervisory Control and Data (SCADA) system.

Shadow Flicker: The moving shadow, created by the sun shining through the rotating blades of a WES. The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

Small Tower-Mounted Wind Energy System: A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, Nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system. The Small Tower-Mounted Wind Energy System has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed 80 feet.

Small Structure-Mounted Wind Energy System: Converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, Nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other components used in the system. A Small Structure-Mounted Wind Energy System is attached to a structure's roof, walls, or other elevated surface. The Small Structure-Mounted Wind Energy System has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof.

Survival Wind Speed: The maximum wind speed, as designated by the Wind Energy Conversion System manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to structural equipment or the loss of the ability to function normally.

Total Height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WES.

Tower: A freestanding monopole that supports a Wind Energy System (WES).

Tower Height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy System (WES).

Township: Manlius Township, Allegan County.

Upwind Turbine: A WES positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise that can occur if the wind is disrupted by hitting the tower before the blades.

Wind Energy System (WES): A structure that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and/or tower as well as related electrical equipment and supporting wires. This does not include wiring to connect the wind energy system to the electrical grid.

A Wind Energy System consists of a combination of:

- (1) A surface area, either variable or fixed, for utilizing the wind for electrical power generation; and
- (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
- (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wind Energy System, Farm: An "interconnected wind energy system", consisting of two (2) or more wind energy production structures with an energy production capacity in excess of **250** kilowatts.

Wind Energy System, Interconnected: A WES which is electrically connected to the local electrical power utility and able to feed back power into the local electrical power utility grid.

Wind Energy System, Utility Grid: A structure designed and built to provide electricity to the electric utility grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

1.0340.3. REGULATIONS FOR SINGLE ON-SITE USE WIND ENERGY TOWERS

- (A) The following shall apply only to a single Wind Energy Tower intended for on-site energy consumption within the property on which it is located. Water pumping and ornamental wind devices, which are not WES, shall be exempt from this Section so long as they do not exceed the height limitations and other provisions for permitted accessory structures of this ordinance.
- (B) An On-Site Use Wind Energy System is intended to serve an individual property only. Upwind turbines shall be required. Tower heights not exceeding 80 feet shall be a permitted use in all zoning classifications subject to the following regulations.
- (C) Submittal Requirements:
- (1) A Zoning Permit Application shall be submitted to the Zoning Administrator with the following required information:
- (a) Name of property owner(s), address, and parcel number.
 - (b) A site plan that includes maps (drawn to scale) showing proposed location of all components and ancillary equipment of the On-Site Use WES, property lines, physical dimensions of the property, existing building(s) setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures thereon.
 - (c) The proposed type, height, and number of the On-Site Use WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 - (d) Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance. [Shadow flicker and noise requirements found later in this section at (C)(8) and (9).]

- (e) Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications requirements.
- (f) Documented compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.).
- (g) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (h) A description of the methods that will be used to perform maintenance on the on-site small structure-mounted WES and small tower-mounted WES and the procedures for lowering or removing the on-site small tower-mounted WES in order to conduct maintenance.
- (i) Proof of building and electrical permits.
- (j) Proof of applicant's liability insurance.
- (k) Other relevant information as may be reasonably requested.
- (l) Signature of the Applicant.
- (m) Property owner must abide by terms of permit and will be liable for violations of said permit.

(2) Height, location, minimum lot size and property setbacks for small on-site use structure mounted WES and for small on-site use tower-mounted WES (not structure-mounted).

- (a) Small On-Site Use Structure Mounted WES:
 - (i) Height: The total height of On-Site Use Small Structure- Mounted WES shall not exceed fifteen (15) feet as measured from the highest point of the roof.

- (ii) **Setback:** The setback of the On-Site Use Small Structure-Mounted WES shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the On-Site Use Small Structure-Mounted WES is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - (iii) **Separation:** If more than one On-Site Use Small Structure-Mounted WES is installed, a distance equal to the height of the highest On-Site Use Small Structure-Mounted WES must be maintained between the base of each On-Site Use Small Structure-Mounted WES.
 - (iv) **Location:** The On-Site Use Small Structure-Mounted WES shall not be affixed to the wall on the side of a structure facing a street or private road.
- (b) **On-Site Use WES on Towers (not structure mounted):**
- (i) **Height:** The total height of an On-Site Use Small Tower-Mounted WES shall not exceed 80 feet.
 - (ii) **Location.** The On-Site Use Small Tower-Mounted WES shall only be located in a rear yard of a property of at least one acre in area that has an occupied building.
 - (iii) **Occupied Building Setback:** The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
 - (iv) **Other Setbacks:** The setback shall be equal to the Total Height of the On-Site Use Small Tower-Mounted WES, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines.

- (v) Separation: If more than one On-Site Use Small Tower-Mounted WES is installed, a distance equal to the height of the highest On-Site Use Small Tower-Mounted WES must be maintained between the base of each On-Site Use WES.
- (3) Construction Codes. Towers and Interconnection Standards: On-Site Use WES including structure-mounted and tower-mounted shall comply with all applicable state construction and electrical codes and building permit requirements. On-Site Use WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), and the Michigan Tall Structure Act (Public Act 259 of 1959, MCL 259.481 et seq). An interconnected On-Site Use Wind Energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
- (4) Monopole Towers required. Only monopole towers are permitted for On Site Use Small Tower-Mounted WES.
- (5) Safety. An On-Site Use WES, whether structure-mounted or tower-mounted, shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightening protection. Clearance: The minimum vertical blade tip clearance from the ground (the highest point of grade level within 25 feet of the base of the tower) shall be fifteen (15) feet for a wind energy system employing a horizontal axis rotor. For a small On-Site Use Structure Mounted WES, the minimum blade tip clearance from any portion of a structure that is located within 25 feet of the Wind Energy System turbine blades shall be ten (10) feet.
- (6) Warning Sign. A clearly visible warning sign regarding voltage shall be placed at the base of the Small Structure-Mounted WES or Small Tower-Mounted WES.
- (7) Structural Integrity. The structural integrity of the Small Structure-Mounted WES or Small Tower-Mounted WES shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-s, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

- (8) Shadow Flicker. A Small Structure-Mounted WES or Small Tower Mounted WES shall be sited in a manner that does not result in significant shadow flicker impact. A copy of a shadow flicker analysis, conducted by a certified analysis, at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year shall be provided with the application. Documentation of the training and certification for the analyst shall also be provided with the application. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures within 500 feet and show measures that shall be taken to eliminate or mitigate the problems shall be provided with the application. Potential shadow flicker will be addressed either through siting or mitigation measures.
- (9) Noise. Noise emanating from the operation of a Small Structure-Mounted WES or Small Tower-Mounted WES shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential use parcel or from the property line of parks, schools, and churches. Noise emanating from the operation of a Small Structure-Mounted WES or Small Tower-Mounted WES shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential use parcel.
- (10) Vibration. Vibrations shall not be produced that are humanly perceptible to the reasonable person beyond the property on which a Small Structure-Mounted WES or Small Tower-Mounted WES is located.
- (11) Color. Small Structure-Mounted WES and Small Tower-Mounted WES shall be painted a non-obtrusive (i.e. white, beige or gray) color that is non-reflective. No striping of color or advertisements, excluding identification of the turbine manufacturer, shall be visible on the blades or tower.
- (12) Lighting. Small Structure-Mounted WES and Small Tower-Mounted WES shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

(13) Signal Interference. The Small Structure-Mounted WES or Small Tower-Mounted WES shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

(14) Maintenance. Small Structure-Mounted WES and Small Tower-Mounted WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(15) Decommissioning.

- (a) The Small Structure-Mounted WES or Small Tower-Mounted WES owner(s) or operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. The Small Structure-Mounted WES or Small Tower-Mounted WES will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
- (b) If the Small Structure-Mounted WES or Small Tower-Mounted WES owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the Township may designate a contractor to complete decommissioning with the expense to be charged to the violator and/or to become a lien against the premises.
- (c) In addition to the decommissioning requirements listed previously, the Small Structure-Mounted WES or Small Tower-Mounted WES shall also be subject to the following:
 - (i) Decommissioning shall include the removal of each Small Tower-Mounted WES, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 - (ii) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

- (D) Public Inquiries and Complaints. Should an aggrieved property owner allege that the Small Structure-Mounted WES or Small Tower-Mounted WES is not in compliance with the noise or shadow flicker requirements of this section, the procedure shall be as follows:
- (1) Notify the Township in writing regarding concerns about noise level or shadow flicker.
 - (2) Noise Complaint. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the owner(s) or operator(s) deposit funds in an amount sufficient to pay for a noise level for a noise level test conducted by a certified acoustic technician approved by the Planning Commission to determine compliance with the requirements of this section.
 - (a) If the test indicates that the noise level is within noise requirements, the Township will use the deposit to pay for the test.
 - (b) If the Small Structure-Mounted WES or Small Tower-Mounted WES is in violation of the noise requirements, the owner(s) and operator(s) shall reimburse the Township for the noise level test and take immediate action to bring the Small Structure-Mounted WES or Small Tower-Mounted WES into compliance, which may include ceasing operation of the WES until violations are corrected. The Township shall refund the deposit to the aggrieved property owner.
 - (3) Shadow Flicker Complaint. If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the owner(s) and operator(s) to provide a shadow flicker analysis, conducted by a certified analyst, of the WES as constructed to determine compliance with the requirements of this section. Owner(s) and/or operator(s) shall submit documentation to the Zoning Administrator showing the training and certification of the shadow flicker analyst before such analysis is conducted.
 - (a) If the Small Structure-Mounted WES or Small Tower-Mounted WES is in violation of the shadow flicker requirements, the owner(s) and operator(s) shall take immediate action to bring the WES into compliance.

- (b) Compliance action required may include ceasing operation of the WES until violations are corrected.
- (E) Any On-Site Use WES over 80 feet in height is subject to a Special Land Use Permit.

1.0340.4 REGULATIONS PERTAINING TO ANEMOMETERS – MET TOWERS

- (A) A MET tower or anemometer may be permitted within all Zoning District Classifications, as a temporary use, subject to the regulations and requirements of this section.
- (B) A MET tower shall be permitted for no more than thirteen (13) months.
- (C) For purposes of this section, a MET Tower or Anemometer is a meteorological tower used for the measurement of wind speed.
- (D) Submittal Requirements. An applicant for a MET Tower shall submit a zoning permit application with the following required information:
 - (1) Name of property owner(s), address, and parcel number.
 - (2) A site plan that includes maps (drawn to scale) showing proposed location of all components and ancillary equipment of the MET Tower, property lines, physical dimensions of the property, existing building(s) setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures thereon.
 - (3) A site plan drawn to scale shall also contain at a minimum the following information unless specifically waived by the Zoning Administrator.
 - (a) The date on which the site plan was prepared.
 - (b) A north arrow and legal description of the property.
 - (c) Property lines and dimensions of the parcel containing the tower, the height of the MET tower and its distance to all property lines.

- (d) Any buildings or structures existing on the site, and the use of the parcel.
 - (e) The distance to the closest building on adjacent property.
 - (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower.
 - (g) Type and height of fencing to be installed around the tower or an equipment building.
 - (h) Elevation drawings of any buildings designed to serve the tower.
 - (i) Access road; width and construction standards.
 - (j) Any lighting proposed to be located on the tower.
- (4) The proposed type and height of the MET Tower to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- (5) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (6) Proof of applicant's liability insurance for the MET Tower.
- (7) A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
- (8) A description of the height of the MET tower and its design including cross section and elevation drawings and a diagram of how the tower will be anchored to the ground.
- (9) An explanation of the purpose of the tower, the type, height and number of wind energy conversion systems anticipated to be proposed for installation on the site or nearby.

- (10) A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
 - (11) A description of the tower maintenance program.
 - (12) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
 - (13) Security measures including emergency contact personnel.
 - (14) Other relevant information as may be reasonably requested.
 - (15) Signature of the Applicant.
- (E) General Requirements. A MET tower shall comply with all of the following:
- (1) The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as measured from the base of the tower.
 - (2) All applicable state construction and electrical codes and local building permit requirements.
 - (3) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
 - (4) The Michigan Airport Zoning Act (Public Act 23 of 1950), as amended.
 - (5) The Michigan Tall Structure Act (Public Act 259 of 1959), as amended.

- (6) A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Zoning Administrator upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
- (7) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Township.
- (F) Review. The Zoning Administrator shall review the proposed MET tower according to the standards of this section. If there will be more than one MET, the Planning Commission shall review the proposed towers. The Commission may impose reasonable conditions at its approval of a MET tower in accordance with Section 1.0340.4.C and D herein including, but not limited to a requirement that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site and a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.
- (G) Applicant and/or property owner must abide by terms of permit and will be liable for violations of said permit.

1.0340.5 INTERCONNECTED WIND ENERGY SYSTEMS AND ON-SITE USE WIND ENERGY SYSTEMS WITH TOWER HEIGHTS IN EXCESS OF 80 FEET

- (A) On-Site Use Wind Energy Systems with tower height(s) exceeding 80 feet and all Interconnected Wind Energy Systems shall be considered a Special Use in all zoning districts where such structures are allowed subject to the requirements of this Section and the site requirements and standards contained in Section 1501.48.
- (B) Wind Energy System Farm. Two or more Interconnected WES structures of any height on a single parcel (or adjacent parcels in common ownership) intended for commercial production of electricity. Wind Energy System Farms shall be allowed in agricultural zoning district only, and are subject to the requirements of this Article.

- (C) Submittal Requirements. An applicant for a WES shall submit a zoning permit application with the following required information:
- (1) The contact information for the owner(s)/operator(s) of the WES as well as the contact information for all property owners on which the WES is located.
 - (2) A copy of the lease, or recorded document with personal and financial information redacted, with the landowner(s) if the applicant does not own the land for the proposed WES. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
 - (3) The location of all occupied dwellings and structures within three hundred (300) feet of the WES.
 - (4) Documented compliance with the noise and shadow flicker requirements set forth in this Ordinance.
 - (5) A statement indicating what hazardous material will be used and stored on the property.
 - (6) A site plan that includes maps (drawn to scale) showing proposed type of WES to be constructed and the expected length of the time that the WES will be in operation. The site plan must also include the manufacturer and model, product specification including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities. The site plan must also include the location, total height, and number of proposed WES, proposed location of all components and ancillary equipment of the WES, property lines, physical dimensions of the property, existing building(s) set back lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures thereon.
 - (7) A site plan drawn to scale shall also contain at a minimum the following information unless specifically waived by the Zoning Administrator.
 - (a) The date on which the site plan was prepared.
 - (b) A north arrow and legal description of the property.

- (c) Property lines and dimensions of the parcel containing the tower, the height of the WES and its distance to all property lines.
 - (d) Any buildings or structures existing on the site, and the use of the parcel.
 - (e) The distance to the closest building on adjacent property.
 - (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the WES.
 - (g) Guy wires, guy wire anchors and any other tower supporting structure or device.
 - (h) Type and height of fencing to be installed around the WES or an equipment building.
 - (i) Elevation drawings of any buildings designed to serve the WES.
 - (j) Access road; width and construction standards. A description of the routes to be used by construction and delivery vehicles shall be shown, with any street or private road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of any damage caused by construction of the WES.
 - (k) Any lighting proposed to be located on the WES.
- (8) The anticipated construction schedule.
 - (9) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved.
 - (10) Proof of applicant's liability insurance for the WES.
 - (11) A statement from the applicant that the WES will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.

- (12) A description of the WES' maintenance and operation plan, including regular and unscheduled maintenance.
 - (13) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the WES and removing all structure equipment, materials and restoring the site so it can be used by a use permitted in that Zoning District. A statement providing the method of ensuring that funds will be available for decommissioning and site restoration.
 - (14) Security measures including emergency contact personnel.
 - (15) Following completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
 - (16) Other relevant information as may be reasonably requested.
 - (17) Signature of the Applicant.
- (D) Manufacturer Information. Each site plan submission shall be accompanied by a complete set of the manufacturer's instructions which shall at a minimum include:
- (1) A standard foundation and anchor design.
 - (2) A detailed parts list.
 - (3) Clearly written instructions for assembly, installation, checkout, operation, and maintenance of the WES on site.
 - (4) A list of warning documents to be provided as required herein.
 - (5) Grounding and lighting procedures which follow the National Electrical Code, Article 250 – Grounding, and Article 280 – Lightning Arresters.
 - (6) Underwriters label where appropriate.
 - (7) A certified registered engineer shall certify that the WES meets or exceeds the manufacturer's construction and installation standards.

(E) WES Connected to Power Grid:

In the case of a WES proposed to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The applicant shall comply with all requirements of the servicing utility if the WES is to be interfaced with the utility grid. The utility shall install appropriate electric metering and the applicant shall be required to install a disconnecting device adjacent to the electric meter(s).

(F) Decommissioning:

The applicant shall submit a plan describing the intended disposition of the WES at the end of its useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Each WES will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s). A performance security or equivalent financial instrument shall be posted in an amount determined by the Township Board (to be utilized in the event the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.).

(G) Applicant and/or property owner must abide by terms of permit and will be liable for violations of said permit.

1.0341 **Garage and Yard Sale Regulations**

Garage, yard, basement and multiple household goods sales shall be allowed on premises within the Township containing dwellings or residential uses subject to the following conditions and limitations:

- a. No sales shall continue for a period of more than three (3) days.
- b. No more than three (3) such sales may be conducted per calendar year from same premises.
- c. Sale hours are limited to between 8:00 a.m. and 8:00 p.m. daily.
- d. All merchandise offered for sale shall not be stored outdoors except during the hours of sale.

- e. Signs for such sales shall be permitted subject to the limitation that they must be removed within 24 hours of the conclusion of the sale.
- f. Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.
- g. No such sales shall be conducted in a manner as to constitute an unreasonable nuisance to the neighborhood due to noise, traffic, lighting, hours of operation or the nature of the merchandise offered.
- h. Failure or refusal to abide by the garage and yard sale regulations on properties with residential use shall constitute a violation of the Manlius Township Zoning Ordinance.

1.0401 MAPPED ZONING DISTRICTS

For the purpose of this ordinance, the following zoning districts shall be established in Manlius Township.

- A Agriculture District
- FR Forestry and Recreation District
- R-1 Rural Residential District
- NR Natural River Overlay District
- R-2 Medium Density Residential District
- R-3 Community Residential District
- C General Commercial District
- I General Industrial District

1.0402 DEFINITION OF BOUNDARIES

1.0402.1 The location and boundaries of these zoning districts are established on a map titled the "Manlius Township Zoning Map" which is hereby adopted as a part of this ordinance. The official zoning map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the ordinance involving the official map shall become legal only after such changes are noted and portrayed on said map.

1.0402.2 The official zoning map, including legally adopted amendments, is hereby adopted by reference and declared to be a part of this ordinance and shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

1.0402.3 Where uncertainty exists as to the exact district boundaries, the following shall prevail:

- a. Where boundary lines are indicated as approximately following streets, utility easements, railroads, or highways, the centerlines of said streets, alleys, railroads, or highways shall be considered to be exact boundary lines.
- b. Where boundary lines are indicated as abutting streams, rivers or lake shorelines, district boundary lines shall be defined by the mean high water mark of the body of water.
- c. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
- d. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district

boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Board of Appeals upon recommendation by the Zoning Administrator.

1.0403 **ZONING OF VACATED AREAS**

Whenever any street, alley, highway, or other public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties.

1.0404 **ZONING DISTRICT CHANGES**

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this ordinance. The requirements and procedures for initiating a change in the zoning designation of a particular property, or a change in the text of the zoning ordinance, are identified in Article XXIX.

1.0405 **USES PERMITTED BY RIGHT**

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit and site plan requirements found elsewhere in this ordinance, but otherwise considered to be a lawful use not requiring a public hearing for approval.

1.0406 **USES PERMITTED BY SPECIAL APPROVAL**

The uses listed in this ordinance as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community. The standards to which each use allowed by special permit must conform before approval for a zoning or building permit can be granted are identified in Article XV - **SITE DEVELOPMENT REQUIREMENTS**. Unless otherwise specified, a special use must conform at least to the minimum height, bulk and setback requirements of the district in which it is located. The requirements for initiating a request for a special use permit are specified in Article XIX.

ARTICLE IX - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT _____ 1.0900

1.0901 PURPOSE

The R-2 District is intended to provide a residential living environment devoted primarily to single-family dwellings while allowing for larger lots than standard "residential subdivision" developments.

1.0902 PERMITTED USES

- a. Detached single-family and attached two-family dwellings.
- b. Public and private parks/playgrounds.
- c. Adult foster care facilities; child care or foster care facilities with six or less persons. (As Amended b Ordinance #2001-4 on 4/21/01)
- d. Foster family homes, foster family group homes, family day care homes.
- e. Essential public utility service buildings, gas or electric regulator stations or buildings.
- f. Accessory uses and structures.
- g. The keeping of ordinary household pets, but not to exceed one (1) large animal and four (4) small animals per acre, and captivated birds in cages within the dwelling or an accessory building. The young of such animals may be kept until they are mature enough to reproduce. No such animals shall be kept in the front yard of any premises. The husbandry of such animals shall be so as to prevent annoyance or nuisance to residents of adjoining property.

1.0903 USES ALLOWED BY SPECIAL PERMIT

- a. Home occupations.
- b. Child care centers, daycare centers, group daycare homes, convalescent homes with more than six persons. (As Amended by Ordinance #2001-4 on 4/21/01)
- c. Churches.
- d. Funeral homes.
- e. Hospitals, medical centers.
- f. Planned Unit Development.
- g. Schools.

ARTICLE IX - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT _____ 1.0900

- h. Township facilities, including the Manlius Township Hall and accessory buildings.
- i. Mobile home parks.
- j. Private clubs, lodges and meeting places for other organizations, not including any use that is customarily conducted as a gainful business.
- k. Drive-in theaters.
- l. Accessory buildings incidental to the main building.
- m. Temporary building or trailers used during construction.
- n. Travel trailers, subject to Section 1.0335.
- o. Accessory uses and structures (see Section 1.0305).
- p. Essential public utility service buildings, or gas or electric regulator stations or buildings (see Section 1.1501.37).

1.0904 REGULATIONS

Composite Schedule of Regulations for all districts is identified in Article XVI.

- 1.0904.1 Minimum Lot Size for Single-Family or Two-Family Residential Unit: 43,560 Sq. Ft.
- 1.0904.2 Minimum Lot Width for Single-Family or Two-Family Residential Unit: 150 Ft.
- 1.0904.3 Maximum Height of Structure: 35 Ft.
- 1.0904.4 Minimum Yard Setbacks for Single-Family and Two-Family Residential Unit.
 - a. Front yard: 30 ft.
 - b. Side yard: 20 ft. each side
 - c. Rear yard: 30 ft.
- 1.0904.7 Minimum Floor Area per Dwelling Unit:
 - a. Single-family and two-family: 720 sq. ft.

1.0501 PURPOSE

This district is intended to preserve and provide for large tracts of land used for farming, dairying and forestry and other rural activities. Large vacant areas, fallow land and wooded areas may be included. The specific intent is to encourage proper use of lands through preventing the intrusion of residential activities which may create incompatibility and conflict.

1.0502 PERMITTED USES

- 1.0502.1 Any lawful pursuit in agriculture including, but not by way of limitation, the production of fruits, vegetables, grains, grasses, and other crops from the soil; the growth, harvesting, and replanting of wood lots; experiments in soil and crop improvement; the production and raising of horses, goats, cattle, sheep, and swine, and fattening the same for market; the production of domestic rabbits; the production of poultry and eggs; and all useful husbandry of the soil and things of the soil and of domestic animal life; and the gainful pursuit of all kinds of agriculture, horticulture, viticulture, floriculture, apiculture, farming, dairying, pasturage, and animal and poultry husbandry.
- 1.0502.2 Farm dwellings. There shall be at least seven hundred twenty (720) feet of actual living quarters for each family living in any permanent dwelling, excluding basement, attached garages, attached porches, and accessory buildings; if an office or home occupation is carried on, the area of living quarters for each family shall remain a minimum of seven hundred twenty (720) square feet. There shall be separate sleeping, kitchen, and bathroom facilities for each family living in any farm dwelling.
- 1.0502.3 Temporary dwelling structures, but subject to the same limitations as are set forth in Section 1.0315 of this ordinance.
- 1.0502.4 Housing for migrant labor and seasonal agricultural employees, with adequate water supply and sewage disposal facilities as may be approved by the Allegan County Health Department. Such housing shall not be used for habitation between November 15 of any year and April 1 of the following year.
- 1.0502.5 The storage and packaging of farm products and the sale thereof. If roadside stands are used, they shall be set back not less than 10 feet from the highway right of way, and there shall be parking space outside the highway right of way for at least four (4) automobiles, with an entrance and an exit separate from each other. This is a permitted use that requires Site Plan Approval.

1.0502.6 The keeping of ordinary household pets, but not to exceed one (1) large animal and four (4) small animals per acre, and captivated birds in cages within the dwelling or an accessory building. The young of such animals may be kept until they are mature enough to reproduce. No such animals shall be kept in the front yard of any premises. The husbandry of such animals shall be so as to prevent annoyance or nuisance to residents of adjoining property.

1.0503 **USES ALLOWED BY SPECIAL PERMIT** (See Article XXVII for Procedure)

1.0503.1 The following uses are permitted in this District subject to obtaining a special use permit as provided for in Article XIX.

- a. Intensive livestock operations and facilities for the husbandry, raising, and keeping of cattle, sheep, pigs, hogs, chickens, turkeys, and other animals or fowls for fattening and/or egg production in feed lots, "cage" operations, or similar high-density operations, otherwise than for the noncommercial consumption of the occupant(s) or owner(s) of the land so used (see Section 1.1501.24).
- b. Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources (see Article XXI).
- c. Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- d. Airports
- e. Radio and television towers.
- f. Veterinarians offices, commercial kennels and animal clinics.
- g. Public or private sanitary landfills or junk yards subject to conformation with P.A. 641.
- h. Travel trailers, subject to Section 1.0335.
- i. Machine shops for fabrication and/or repair of agricultural and other small industrial machinery.
- j. Accessory uses and structures, see Section 1.0305.
- k. Essential public utility service buildings, or gas or electric regulator stations or buildings, subject to the requirements of Section 1.1501.37.
- l. Churches. (As Amended by Ordinance #2001-1 on 01/27/01)
- m. Parks. (As Amended by Ordinance #2001-1 on 01/27/01)
- n. Private Hunting Camps. (As Amended By Ordinance #2005-1 on 09-12-05)

1.0504 REGULATIONS

1.0504.1 Minimum Lot Size for Single-Family Residential Unit.

For up to 40 acres of a parent parcel in existence as of March 31, 1997, one split is permitted provided the split is a minimum of three acres and contains at least 300 feet of road frontage.

(As Amended by Ordinance # 2001-2 on 01/27/01)

1.0504.2 Minimum Lot Width for Single-Family Residential Unit.

Primary farm dwelling: 800 ft.

1.0504.3 Maximum Height of Structure: 35 ft. for primary farm dwelling and accessory buildings. Maximum height restrictions shall not apply to silos and grain elevators.

(As Amended by Ordinance #2008-1 on 8-28-08)

1.0504.4 Minimum Yard Setback for Single-Family Residential Unit.

a. Farm Dwelling:

1. Front yard: 30 ft.
2. Side yard: 100 ft. each side
3. Rear yard: none

- 1.0504.5 Minimum Floor Area per Dwelling Unit: 720 Sq. Ft.
- 1.0504.6 For regulations for all other permitted and special uses allowed within the A-District, refer to the standards for the specific use in Article XV.

ARTICLE VI - FR FORESTRY AND RECREATION DISTRICT _____ 1.0600

1.0601 PURPOSE

This district is intended to accommodate organizations and individuals devoted to hunting, fishing and other recreation activities and to set aside natural areas to preserve the rural character of the Township.

1.0602 PERMITTED USES

- a. Hunting and fishing.
- b. Improvement of game or fish habitat.
- c. Snowmobiling, hiking and equestrian activities.
- d. Forestry management and planting, growth, and harvesting of timber.
- e. Use of premises in possession of government agencies as such agencies shall determine.
- f. Single-family dwellings having a minimum of seven hundred twenty (720) square feet in living area placed on parcels of land no less than 43,560 square feet (10 acres) and setback lines set forth in Section 1.0604.4 with the exception that no building or structure shall be erected within one hundred (100) feet of the right-of-way of any public highway, street, or road.
- g. Such outbuildings or structures, but not containing living quarters, customarily incidental to any of the above uses and situated on the same parcel as the primary structure, subject to setback lines set forth in Section 1.0604.
- h. The keeping of ordinary household pets, but not to exceed one (1) large animal and four (4) small animals per acre, and captivated birds in cages within the dwelling or an accessory building. The young of such animals may be kept until they are mature enough to reproduce. No such animals shall be kept in the front yard of any premises. The husbandry of such animal shall be so as to prevent annoyance or nuisance to residents of adjoining property.

1.0603 USES ALLOWED BY SPECIAL PERMIT

- a. Commercial activities of a primary service to sportsmen and vacationers.
- b. Recreation trailer parks and tourist camps, including tenting grounds, to be utilized only for recreational purposes, and not on the same land posted and used for hunting.
- c. Hunting and fishing lodges or cabins, and not utilized as the principal dwelling of the occupants or otherwise than in accordance with uses above.
- d. Radio and television towers.

ARTICLE VI - FR FORESTRY AND RECREATION DISTRICT _____ 1.0600

- e. Such outbuildings or structures, but not containing living quarters, customarily incidental to any of the above uses and situated on the same parcel as the primary structure, subject to setback lines set forth in Section 1.0305.
- f. Stables.
- g. Shooting ranges.
- h. Public utility service buildings, or gas or electric regulator stations or buildings, subject to the requirements of Section 1.1501.37

1.0604 REGULATIONS

Composite Schedule of Regulations for all districts is identified in Article XVI.

- 1.0604.1 Minimum Lot Size: 10 acres
- 1.0604.2 Minimum Lot Width: 330 ft.
- 1.0604.3 Maximum Height of Structure: 35 ft.
- 1.0604.4 Minimum Yard Setbacks:
 - a. Front yard: 100 ft.
 - b. Side yard: 100 ft. each side
 - c. Rear yard: 100 ft.
- 1.0604.5 Minimum Floor Area per Dwelling Unit: 720 sq. ft.
- 1.0604.6 For regulations for all other permitted and special uses allowed within the FR District, refer to the standards for the specific use in Article XV.

ARTICLE VII - R-1 RURAL RESIDENTIAL DISTRICT _____ 1.0700

1.0701 PURPOSE

This district is intended to provide a rural living environment devoted primarily to "large lot" single-family dwellings. This District can also serve as a buffer between more concentrated residential areas and agricultural uses in the surrounding township.

1.0702 PERMITTED USES

- a. One-family dwelling.
- b. Two-family dwellings; but there shall be provided for each family separate kitchen, bathroom, and bedroom facilities.
- c. Any person may maintain an office or may carry on a customary home occupation in the dwelling used as a private residence, providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling, and providing such use does not involve any outward evidence of such use other than a sign not exceeding 4 square feet in area placed upon the premises. There shall be at least 720 square feet of actual living quarters for the use of such person and his/her family in the dwelling house, exclusive of the area used in such home occupation, and exclusive of basement, attached garages, attached porches, and accessory buildings; and the actual living quarters shall be not less than the area used in such home occupation.
- d. Temporary dwelling structures used on a parcel of land while a dwelling is being constructed thereon in conformance with the requirements of this ordinance, but such use shall not be continued for more than one year. Temporary dwelling structures shall include, but are not limited to, so-called basement houses and mobile homes.

In the event the temporary structure utilized is a mobile home, the following requirements must be met:

- 1. The mobile home must comply with the yard and setback requirements of the zoning district;**
- 2. The area between the outside perimeter of the mobile home and the ground must be screened by skirting, blocks, or otherwise. Such skirting shall meet standards established by the Michigan Mobile Home Commission.**
- 3. The mobile home must be installed according to the minimum standards established by Michigan Mobile Home Commission.**

4. Except as herein provided, the remaining provisions of Article ___ regarding mobile homes shall apply to any mobile homes used as temporary dwellings.

- e. The keeping of ordinary household pets, but not to exceed one (1) large animal and four (4) small animals per acre, and captivated birds in cages within the dwelling or an accessory building. The young of such animals may be kept until they are mature enough to reproduce. No such animals shall be kept in the front yard of any premises. The husbandry of such animals shall be so as to prevent annoyance or nuisance to residents of adjoining property.
- f. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.
- g. Child Care or Foster Care Facilities with six or less persons.

1.0703 **USES ALLOWED BY SPECIAL PERMIT** (See Article XIX for Application Procedure)

- a. Golf courses, country clubs, golf driving ranges (see Sections 1.1501.18 and 1.1501.19).
- b. Horse stables, private (see Section 1.1501.43).
- c. Private, noncommercial outdoor recreation camps (see Section 1.1501.34)
- d. Fraternal clubs and lodges (see Section 1.1501.33).
- e. Temporary buildings or trailers incidental to construction activities (see Section 1.0315).
- f. Planned Unit Development subject to conditions set forth in Article XXII.
- g. Mobile home parks subject to conditions set forth in Article XIII.
- h. Mobile homes on individual building lots (see Section 1.0331).
- i. Travel trailers, subject to Section 1.0335.
- j. Greenhouses (considered as accessory buildings and subject to the requirements of Section 1.0305).
- k. Home occupations.

(Amended 04/21/01)

- l. The sale of agricultural products, at least seventy-five (75) percent of which are raised upon the premises. A roadside stand may be used if in conformance with Section 1.1501.39.
- m. Accessory uses and structures (see Section 1.0305).
- n. Essential public utility service buildings, or gas or electric regulator stations or buildings (see Section 1.1501.37).
- o. Churches.
- p. Licensed or registered group daycare homes.
(As Amended by Ordinance # 2001-4 on 04/21/01)

1.0704 REGULATIONS

Composite Schedule of Regulations for all districts is identified in Article XVI.

- 1.0704.1 Minimum Lot Size for Single-Family or Two-Family Residential Unit: 3 acres.
- 1.0704.2 Minimum Lot Width for Single-Family or Two-Family Residential Unit: 300 Ft.
- 1.0704.3 Maximum Height of Structure: 35 Ft.
- 1.0704.4 Minimum Yard Setbacks for Single-Family or Two-Family Residential Unit.
 - a. Front yard: 30 ft.
 - b. Side yard: 50 ft. each side
 - c. Rear yard: 75 ft.
- 1.0704.5 Minimum Floor Area per Dwelling Unit: 720 Sq. Ft.
- 1.0704.6 For regulations for all other permitted and special uses allowed within the R-1 District, refer to the standards for the specific use in Article XVI.

ARTICLE VIII - NR NATURAL RIVER OVERLAY DISTRICT _____ 1.0800

1.0801 PURPOSE

In accordance with the Lower Kalamazoo River Natural River Plan, adopted July 11th, 1981, by the Michigan Department of Natural Resources, the following regulations shall apply to all uses within three hundred (300) feet on each side of the following rivers:

- a. Kalamazoo River
- b. Rabbit River
- c. Mann Creek, from the road crossing at 128th Avenue (south Section line of Section 21, Manlius Township) down to the Kalamazoo River (approximately 2.0 miles)

1.0802 RESTRICTIONS

As an Overlay District, the Natural River district shall supersede the requirement of each of the districts over which it is superimposed.

- 1.0802.1 The building setback for new structures, including accessory buildings, shall be a minimum of two hundred (200) feet from the river's edge. The setback shall be decreased three (3) feet for every foot of vertical bank height above the ordinary high water mark until a minimum setback of seventy-five (75) feet from the river's edge is reached.
- 1.0802.2 Permanent docks must be constructed in accordance with the rules of Act 346 of Public Acts 1972.
- 1.0802.3 The setback for septic tanks and absorption fields shall be a minimum of one hundred (100) feet from the river's edge.
- 1.0802.4 The bottom of the absorption field shall be at least four (4) feet above the known high groundwater table.
- 1.0802.5 No absorption field shall be closer than fifty (50) feet from any permanent surface or subsurface drainage system.
- 1.0802.6 A natural vegetation strip of fifty (50) feet shall be maintained on each side of the river.

ARTICLE VIII - NR NATURAL RIVER OVERLAY DISTRICT _____ 1.0800

- 1.0802.7 Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac, and poison oak, and other plants regarded as common nuisances in Section 2, Public Act 359 of 1941, as amended, may be removed.
- 1.0802.8 Trees and shrubs may be pruned for a filtered view of the river within the natural vegetation strip.
- 1.0802.9 Trees and shrubs may be selectively removed in the natural vegetation strip for harvest of merchantable timber, to install public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the river, all upon approval of the Zoning Inspector. If the Zoning Inspector feels it is necessary, he shall direct the property owner to consult with the Department of Natural Resources Forester in Plainwell to establish an acceptable selective cutting plan for the area.
- 1.0802.10 Clear cutting is not allowed in the natural vegetation strip.
- 1.0802.11 New development, exploration or production of oil, gas, salt brine, sand and gravel, or other minerals except groundwater are not permitted within three hundred (300) feet of the designated river.

ARTICLE XI - C GENERAL COMMERCIAL DISTRICT _____ 1.1100

1.1101 PURPOSE

This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community. All permitted uses and uses allowed by special permit are subject to site plan review as defined in Article XIV.

1.1102 PERMITTED USES

- a. Mercantile establishments, retail stores and shops, barber shops and beauty shops, and other personal service establishments.
- b. Apartment houses, rooming houses, hotels, motels, living quarters over business establishments, restaurants, drive-thru restaurants, garages, gasoline filling and service stations, and vehicle wash establishments.
- c. Professional offices, hospitals, clinics, nursing homes and homes for the aged, funeral homes, churches, schools, executive and administrative offices, governmental offices, philanthropic activities' social clubs, lodges, and like uses.
- d. Indoor theaters, bowling alleys, skating rinks, and other places of recreation and amusement.
- e. Veterinary hospitals.
- f. Bulk seed, feed and fertilizer outlets.
- g. The sale and service of machinery used in agricultural production.
- h. Facilities used in the research and testing of agricultural production.
- i. Job printing, newspaper printing.
- j. The repair, conversion, alternation, finishing, assembling, fabricating, or storing of goods, but not in connection therewith the conduct of any process or activity or the storage or display of goods as to be obnoxious or offensive by reason of emission of smoke, odor, fumes, dust, waste, vibration, nor the use of machinery in excess of 10 horsepower in total; but such horsepower may be increased by approval of the Board of Appeals in its discretion if the use conforms with other requirements of this paragraph, and there will be no injury or annoyance to the neighborhood.

ARTICLE XI - C GENERAL COMMERCIAL DISTRICT _____ 1.1100

- k. Dwellings with not less than 720 square feet of actual living quarters for each family; and there shall be separate kitchen, bathroom, and bedroom facilities for each family.
- l. Any home occupation; but there shall be not less than 720 square feet of actual living quarters outside the area in which such home occupation is carried on, for that family.

1.1103 USES ALLOWED BY SPECIAL PERMIT

- a. Adult bookstore (see Section 1.1501.1).
- b. Adult live entertainment establishments (see Section 1.1501.1).
- c. Commercial cleaning plants (see Section 1.1501.13).
- d. Laboratories see (Section 1.1501.23).
- e. Mortuaries (see Section 1.1501.26).
- f. Adult theater (see Section 1.1501.1).
- g. Veterinarian (see Section 1.1501.6).
- h. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.
- i. Essential public service buildings; gas or electric regulator stations or buildings; public, utility or privately owned dams (see Section 1.1501.37).
- j. Commercial establishments serving alcoholic beverages (see Section 1.1501.1).

1.1104 REGULATIONS

- 1.1104.1 There are no minimum lot sizes for structures in the General Commercial District. All proposed uses are subject to site plan review. (Amended by Ordinance 2006-1 on 10/09/06)
- 1.1104.2 The minimum lot width for a structure in the General Commercial District is 60 ft. (Amended by Ordinance 2006-1 on 10/09/06)

- 1.1104.3 No building shall be constructed to a height of more than thirty-five (35) feet above ground level, measured from the natural grade at the building line to the highest point on the roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft, or other mechanical appurtenances when erected upon and as an integral part of such buildings. But the Planning and Zoning Commission may permit the construction of buildings in excess of this maximum, upon petition therefore and after hearing on such petition, if the Planning and Zoning Commission shall find that such increase in height is essential or desirable in the use to which such buildings are designed and that such increase in height will not cause injury or damage to surrounding property. Hearing on such petition shall be noticed to all property owners and occupants of property located within three hundred (300) feet in all directions from the proposed site.
- 1.1104.4 Setback Lines
- a. Front - Every structure hereafter erected shall be set back not less than thirty (30) feet from the edge of the highway right of way (if more than half of the existing structures on either side for a distance of two hundred fifty (250) feet are set back less than thirty (30) from said right of way, then the proposed structure may be set back not less than the average setback line of such existing structures. If a lot abuts on two streets or highways, each abutting side shall be deemed to be the front thereof unless such corner lot is less than forty (40) feet in length outside the highway right of way along one of said abutting sides, in which case one of said sides shall be the front).
 - b. Side - There shall be a side yard at least five (5) feet on each side of any structure hereafter erected or located.
 - c. Rear - There shall be a rear yard of at least ten (10) feet unless a public alley exists at the rear of the lot, in which case there shall be a rear yard of at least five (5) feet between each structure and the alley.
- 1.1104.5 There are no minimum floor area requirements for buildings in this district.
- 1.1104.6 For regulations for all other permitted and special uses allowed in the C District, refer to the standards for the specific use in Article XVI.

ARTICLE XII - I GENERAL INDUSTRIAL DISTRICT _____ 1.1200

1.1201 PURPOSE

This district is designed for light industrial sites occupied by manufacturing plants, laboratories, distribution warehouses and similar uses and for heavy manufacturing, assembling and fabrication activities including large scale or specialized industrial operations. All permitted uses are subject to site plan review as defined in Article XIV.

1.1202 PERMITTED USES

- a. The manufacturing, compounding, processing packaging, treatment, fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceuticals, toiletries, food products, hardware, cutlery, pottery and wood.
- b. The manufacturing, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planing mills), sheet metals, wax and wire.
- c. Research, experimental, or testing laboratories.
- d. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs, musical instruments, toys, novelties, sporting goods and photographic equipment.
- e. Printing, lithographic, blue-printing and similar uses.
- f. Tool, die, gauge, metal polishing and machine shops.
- g. Warehousing and material distribution centers and contractors establishments.
- h. Accessory uses and buildings.
- i. Junk yards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and when located in the interior of the district so that no property line shall form the exterior boundary of the I General Industrial District.
- j. Automobile repair, A.T.V./O.R.V. repair, body repair and undercoating shops when completely enclosed.

ARTICLE XII - I GENERAL INDUSTRIAL DISTRICT _____ 1.1200

- k. Glass products.
- l. Essential public service buildings; gas or electric regulator stations; public, utility or privately owned dams.
- m. Any other use which shall be determined by the Planning and Zoning Commission to be of the same general character as the above permitted uses.
- n. Accessory buildings and uses customarily incidental to the above permitted uses.
- o. Advertising signs and billboards as provided for in Article XVIII.

1.1203 USES ALLOWED BY SPECIAL PERMIT

- a. Heating and electric power generating plants.
- b. Metal plating.
- c. Concrete batch plants.
- d. Sand, gravel, stone and limestone processing.
- e. Cement or clay products manufacturing.
- f. Chemical manufacturing.
- g. Glass products.
- h. Coal, tar products manufacturing or use.
- i. Petroleum refining and the manufacturing of petroleum products used in construction, such as paving and roofing materials and similar adhesives.
- j. Crematory.
- k. Slaughter houses.
- l. Fertilizer manufacturing or processing.
- m. Solid waste recycling/recovery facilities (see Section 1.0307).

- o. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning and Zoning Commission under the procedure and standards specified in this ordinance for special exception uses.

1.1204 **REQUIRED CONDITIONS FOR USES ALLOWED BY SPECIAL PERMIT**

- a. A development plan for the proposed use shall be submitted to the Planning and Zoning Commission shall approve the same if it satisfies the requirements of this Section.
- b. Off-street parking, immediate and planned, shall be shown on the Development Plan and be provided at the ratio of one (1) parking space for each full-time employee and one-space for each part-time employee. Any computation resulting in a multiple of one-half space shall be rounded up to the nearest whole space (e.g. 3-1/2 spaces shall be rounded up to 4 full spaces required).
- c. Site plans shall first be approved as specified in Article XIV.
- d. Noise, odor, dust and other similar nuisances resulting from operations on-site shall be subject to the requirements of Section 1.1501.32.
- e. The minimum size of any individual lot shall be five (5) acres, and the minimum width of such parcel shall be 300 feet, unless the Planning/Zoning Commission determines the lot size should be larger due to significant adverse impacts upon adjoining properties.
- f. Building setbacks measured from the lot line shall be as follows:
 - 1. Front - A front yard of at least thirty (30) feet is required which shall be landscaped with grass and approved plant material. A drive, but no parking, shall be allowed in this area.
 - 2. Rear - A rear yard of at least one hundred (100) feet shall be required.
 - 3. Side - A side yard of at least fifty (50) feet shall be required; however, a common wall may be utilized for adjacent lots if the orientation of the side yard is observed on the side opposite the common wall. A side yard which adjoins a side street shall be controlled as a front yard.

ARTICLE XII - I GENERAL INDUSTRIAL DISTRICT _____ 1.1200

A side yard which adjoins a residence zone shall be a minimum of one hundred (100) feet, twenty (20) feet of which shall be a greenbelt.

- g. The maximum height of any building shall be forty-five (45) feet.
- h. Those uses identified in Section 1.1203 shall contain a greenbelt or natural vegetation strip at least five (5) feet wide along the perimeter of the parcel.

1.1205 REGULATIONS

Composite Schedule of Regulations for all districts is identified in Article XVI.

- 1.1205.1 The minimum lot size for a building in the I General Industrial District is one (1) acre; except for those uses allowed by special permit, in which case the minimum lot size shall be five (5) acres (see Section 1.1204).
- 1.1205.2 There is no minimum lot width required in this district.
- 1.1205.3 The maximum height of a building in this district shall be 25 ft.
- 1.1205.4 Setbacks
 - a. The minimum front yard setback in this district is thirty (30) feet.
 - b. The minimum side yard setback shall be thirty (30) ft. on each side except for uses allowed by special permit (see Section 1.1204f.2).
 - c. The minimum rear yard setback shall be forty (40) ft. except for uses allowed by special permit (see Section 1.1204f.3).
- 1.1205.5 There is no required minimum floor area for each building in this district.
- 1.1205.6 For regulations for all other permitted and special uses allowed in the I-1 District, refer to the standards for the specific use in Article XV.

1.1301 PURPOSE

The single-family regulations are intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any mobile home type development. The regulations applicable to this district are considered as minimum standards to be applied to all mobile home park developments in the district. Mobile home parks are allowed by special use in the R-1 and R-2 districts only.

1.1302 LOCATION

Mobile home parks shall be located by special use permit only within R-1 Rural Residential and R-2 Medium Density Residential zoned districts and shall be constructed and used in compliance with the Mobile Home Commission Act, being Michigan Public Act 419, 1976, or any amendments thereto.

1.1303 PERMIT

The construction, alteration or extension of a mobile home park shall be conducted in accordance with all applicable state and local regulations and this ordinance, and only after obtaining a permit for same as provided for in this Article. In addition to the requirements set forth in Article XIV (Site Plan Review Procedure) of this ordinance, a sketch plan shall accompany each permit application, in four (4) copies, giving the following information plus any other related information requested by the Planning Commission.

- 1.1303.1 Site boundary line locations and dimensions, plus the area of the mobile home park site.
- 1.1303.2 Number, location and size of each mobile home lot and all common open space areas.
- 1.1303.3 For each mobile home lot, the size and type of mobile home permitted or expected to be situated thereon.
- 1.1303.4 Location and dimensions of roadways, walkways and parking areas.
- 1.1303.5 Location and function of all service and other permanent buildings.
- 1.1303.6 Location and size of on-site and immediately adjacent natural features, including topography, wetlands, streams, lake, ponds, drains and woodlands, along with a narrative description of changes to these natural features that will be caused by the development described in the permit application.

1.1303.7 Location, size and usage of all on-site and adjacent existing structures.

1.1304 REGULATIONS

1.1304.1 The minimum size for a mobile home lot shall be 5,000 square feet. The minimum width of a mobile home lot shall be fifty (50) feet.

1.1304.2 The minimum size of a mobile home park shall be ten (10) acres.

1.1304.3 Access:

- a. All mobile home parks shall have access to a concrete or asphaltic concrete paved County Primary Road as designated by the County Road Commission.
- b. Convenient access to each mobile home site apron shall be provided by means of a minimum twelve (12) foot wide access route reserved to maneuver mobile homes into position and kept free from trees and other immovable obstructions.
- c. All roadways and driveways shall be hard surfaced and provided with curb and gutters, and so constructed as to handle all anticipated peak loads, adequately drained and lighted for safety and ease of movement of vehicles. Minimum pavement width shall be twenty-four (24) feet for all roads without on-street parking, twenty-eight (28) feet with one lane of parking and thirty-eight (38) feet with two lanes of parking.
- d. Public sidewalks meeting the specifications of the Allegan County Building Inspection Department shall be provided on the street side of each mobile home site. All public walks shall be at least four (4) feet in width. Shade trees may be planted in this unpaved area so formed and otherwise it shall be seeded or sodded and the grass maintained in a healthy condition.

1.1305 UTILITIES AND OTHER SERVICES

1.1305.1 All mobile home parks shall be served by an approved central water and sewerage system and shall meet the requirements of the County Health Department and the Michigan Department of Health.

- 1.1305.2 The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any nuisance or health hazard.
- 1.1305.3 An adequate amount of running water to individual mobile home sites shall be piped to and meet the requirements of the County and State Health Departments and shall be adequately protected from frost.
- 1.1305.4 Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.
- 1.1305.5 All electric, telephone and other lines from supply poles outside the park to each mobile home site shall be underground with a three (3) wire balanced one hundred and fifteen (115) to one hundred and twenty (120) volt supply.
- 1.1305.6 Any fuel oil and gas storage shall be centrally located at a safe distance from any mobile home site. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is found to be applicable.
- 1.1305.7 Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be provided in each mobile home park. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet from any mobile home site. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning.
- 1.1305.8 Street and yard lights, attached to standards approved by the Township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.

1.1305.9 All plumbing fixtures shall be connected to a central sanitary sewer or Township approved facilities and shall meet the requirements of the County Health Department and the Michigan Health Department.

1.1306 PADS, MATS OR PLATFORMS

Each mobile home site shall be provided with a three thousand (3,000) pounds per square inch concrete pad, mat or platform, not less than four (4) inches in thickness. Minimum pad dimensions for single mobile homes shall substantially conform to length and width of the particular mobile home designated to occupy the site. The pad elevation shall be a minimum of six (6) inches higher than the sidewalk or top-of-curb elevations and should slope towards the street. All mobile homes shall be firmly anchored to the site. No more than one (1) mobile home shall be permitted to be located on a mobile home site. In the case of double-wide units, the concrete pad may be replaced by reinforced concrete piers placed at the proper supporting points, subject to approval regarding strength, construction and location by the Zoning Administrator and the Township Building Inspector.

1.1307 LANDSCAPING

There shall be provided at least one (1) tree of a minimum of one and one-half (1-1/2) to two (2) inch caliper for each mobile home site. Trees may be planted in the five (5) foot strip between curb and sidewalk or in other open unpaved areas. Dead trees shall be replaced.

1.1308 GREENBELT

A six (6) foot greenbelt shall be provided along all exterior mobile home park boundary lines which do not abut a street or any other public right-of-way. A ten (10) foot greenbelt shall be maintained as a landscaped area unoccupied and unobstructed from the ground upward along all exterior mobile home park boundaries abutting a public right-of-way.

1.1309 PUBLIC HEARING

The Planning Commission may require a public hearing for the site plan review, in which case notice shall be provided in accordance with normal practice to property owners located within one-half mile of the site.

1.1310 SITE PLAN

After the Planning Commission has approved the sketch plan, and after the public hearing, if any, has been held the applicant shall submit a site plan as provided for in Article XIV of this ordinance. The site plan shall be submitted in

four copies and shall also contain detailed sketches of typical roadway, walkway and apron layouts and cross-sections. If rezoning is involved, it is at this point that this matter should be acted upon.

1.1311 APPROVAL

The permit application for a mobile home park development requires the approval of the Planning and Zoning Commission and the Township Board. In reviewing the proposed development's acceptability, the following questions should be among those considered by both bodies prior to official action being taken. Appropriate state, county and local administrative and legislative personnel may be requested to participate in the review process.

- 1.1311.1 Whether the proposed development is in accordance with the Township Land Use Plan.
- 1.1311.2 Whether the proposed development meets all the design standards of this ordinance and other applicable local codes, regulations or ordinances.
- 1.1311.3 Whether the density characteristics of the proposed development are detrimental to adjacent properties and land uses.
- 1.1311.4 Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
- 1.1311.5 Whether the proposed development produces an extreme or undue demand on available fire and police protection services.
- 1.1311.6 Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

1.1312 PERIODIC INSPECTION

The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of any mobile home park at any time for the purpose of investigating or enforcing any provisions of this ordinance or related local ordinances applicable to mobile home park operations.

ARTICLE XIV - SITE PLAN REVIEW PROCEDURE _____ 1.1400

1.1401 PURPOSE

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, because of size and the amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding uses. It is the responsibility of the Manlius Township Planning Commission to provide procedures to ensure the Township develops in accordance with the general intent of this ordinance.

1.1402 CIRCUMSTANCES REQUIRING A SITE PLAN

1.1402.1 Site plans are subject to review for the following uses:

- a. All uses permitted by special approval in all zoning districts listed in this ordinance.
- b. All Planned Unit Developments.
- c. Uses and structures permitted by right, in certain zoning districts, when such development is comprised of special characteristics that necessitate a site plan.
- d. All site plans associated with a special use permit application must be reviewed by the Manlius Township Planning Commission, in accordance with the standards defined in Article XV. All site plans required in conjunction with permitted uses shall be reviewed by the Zoning Administrator to ensure conformance with the standards defined in Article XV. The Zoning Administrator shall attend all site plan review hearings.

1.1403 SITE PLAN DATA REQUIRED

1.1403.1 Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Planning Commission:

- a. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch = 20 feet for parcels under three (3) acres and not less than 1 inch = 50 feet for parcels three (3) acres or more.
- b. The boundary lines of the property, to include all dimensions and legal description.

- c. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
- d. The location and widths of all abutting rights-of-way.
- e. The location of unusual environmental features, such as streams, wetlands, shorelands, etc.
- f. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- g. The name and address of the property owner.
- h. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
- i. The location of all existing and proposed landscaping as well as all existing and proposed fences and walls.
- j. A locational sketch of the proposed use or structure.
- k. The type, location and size of all utilities existing and proposed for the site.
- l. The location, size and slope of all subsurface drainage facilities.
- m. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information.
 - 1. The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 - 2. The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3. Typical elevation drawings of the front and rear of each building.
- n. For multiple-family and mobile home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of the building

site is ten (10) percent or greater. Such contour shall be shown at height intervals of five feet.

1.1404 SUBMITTAL AND APPROVAL

- 1.1404.1 All site plans, required as stated with this ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator. A request for site plan approval for permitted and special uses identified in Article XV shall require ten (11) copies of copies of the site plan. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least 20 days after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within 20 days of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.

- 1.1404.2 In the case of a request for a special use permit approval, the Planning Commission shall have the responsibility to approve with specified changes and/or conditions, or disapprove the applicant's request, using the standard for site plan review included in this ordinance as a basis for its decision. Unless otherwise notified by the Planning Commission, where a site plan is required in conjunction with a permitted use that must conform to the standards in Article XV, the Zoning Administrator shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standards for site plan review included in this ordinance as a basis for the decision.

- 1.1404.3 Any conditions or changes stipulated by the Planning Commission in review of a special use permit request shall be recorded in the minutes of the meeting and a copy each of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the chairman of the Planning Commission and the Zoning Administrator. Any conditions or changes stipulated by the Zoning Administrator in review of a site plan associated with a permitted use shall be recorded by the Zoning Administrator and a copy of said condition or changes given to the applicant. An approved site plan request for a permitted use shall contain the signature of the Zoning Administrator.

ARTICLE XIV - SITE PLAN REVIEW PROCEDURE _____ 1.1400

1.1404.4 Of the eleven **(11)** copies of the site plan submitted by the applicant for a special use permit, one **(1)** copy shall be reviewed and kept on file by the Zoning Administrator. The Zoning Administrator shall forward ten **(10)** copies to the Township Clerk. The Township Clerk shall keep one **(1)** copy on file and forward seven **(7)** copies to the Planning Commission, additional copies to Engineers and Lawyers where applicable. For a special use, subject to the requirements in Article XV, eleven **(11)** copies of the special use permit and site plan of the same, shall be submitted to the Zoning Administrator for review and one **(1)** copy retained on file. The Zoning Administrator shall forward ten **(10)** copies to the Township Clerk. The Township Clerk shall keep one **(1)** copy on file and forward seven **(7)** copies to the Planning Commission. Additional copies to Engineers and Lawyers, when applicable.

1.1405 FEES

Accompanying the request for approval of a site plan, a fee, to be determined by the Manlius Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by Manlius Township for expert consultation relative to the application.

1.1406 REVOCATION

1.1406.1 If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant 30 days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

1.1406.2 If the applicant notifies the Planning Commission within 10 days of the receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

1.1407 APPEAL

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Manlius Township Board of Appeals. Request for appeal may be made by written letter from the applicant to the chairman of the Board of Appeals within 10 days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission. Further appeal may be taken to the Circuit Court.

1.1901 PURPOSE

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning and Zoning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Approval Uses within the various zoning classifications set forth in the Ordinance.

Such Special Approval Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper control and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such Special Approval Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning and Zoning Commission, in its absolute discretion, is satisfied that the Special Uses under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Commission, would be compatible with the other uses expressly permitted within said district and the natural environment and the capacities of public services and facilities affected by the land use. The proposed land use should not, in any manner, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood. It should promote the public health, safety, morals and general welfare of the owners and occupants of the land in questions and the community as a whole. It should encourage the use of lands in accordance with their character and adaptability. The standards required by the Commission for the allowance of such Special Approval Use can and will, in its judgment, be met at all times by the applicant.

1.1902 SPECIAL APPROVAL PROCEDURE

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special approval use:

- 1.1902.1 All applications for special approval use permits shall be filed with the Township Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a Special Use Permit.
- 1.1902.2 The Zoning Administrator shall, after preliminary review, forward the complete application for a Special Use Permit to the Planning and Zoning Commission for review.

ARTICLE XIX - SPECIAL APPROVAL USE PERMITS _____ 1.1900

1.1902.3 The Township Planning and Zoning Commission shall review the site plan according to the standards set forth in Article XV - Site Development Requirements and review the proposed special approval use according to standards set forth in Section 1.1901

a. In the case a discretionary decision must be made, the Township Planning and Zoning Commission shall give a public notice in a newspaper of general circulation of official receipt of an application for a special land use permit which:

1. Describes the nature of the special land use request.
2. Indicates the property in question.
3. States the time and place where the special land use request will be considered.
4. Indicates when and where written comments will be received concerning the request.
5. Indicates that public hearing on the proposed special approval use may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered.

b. This notice shall also be mailed or delivered to property owners and occupants within 300 feet of the property in question. Those notices shall be made between five and 15 days prior to the date on which the application is to be considered. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.

1.1902.4 Following such hearing, said Commission shall either grant or deny a permit for such Special Approval Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Commission in its decision and shall be filed with the Zoning Administrator.

a. The Commission shall have the right to limit the duration of a Special Approval Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions

and limitations may be terminated by action of said board after a hearing upon application of any aggrieved party.

- b. The plot plan and specifications and all conditions, limitations and requirements imposed by the Commission shall be recorded with the Township and shall be incorporated as a part of the special Land Use permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be a lawful use.
- c. Any property which is the subject of a special approval permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the zoning board) for the purposes for which such special exception was granted shall there after be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special approval uses shall thereupon terminate.
- d. To ensure compliance with the Zoning Ordinance and any conditions, limitations or requirements imposed by the Planning/Zoning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township clerk at the time of issuance of the permit authorizing the commencement of such construction of activity. Where the improvement required will take more than six months to be completed, the Planning/Zoning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- e. All special approval use permits must be posted by the applicant in a weather-proof manner on the site.

(As Amended By Ordinance #2004-2 on 10/29/04)

1.1903 **APPEAL**

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent or adjacent property owner within 300 feet of the property in question to the Township Zoning Board of Appeals. Request for appeal may be made by written letter to the Chairman of the Zoning Board of Appeals within ten (10) days of disapproval, approvals by modification, or revocation of the Special Use Permit by the Planning/Zoning Commission.

1.1501 SCOPE

These Permitted Uses and Uses allowed by Special Permit enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this Article and Article II, as well as applicable provisions in Article XVII - Off-Street Parking and Loading and Unloading Requirements and Article XVIII - Advertising Signs and Billboards.

1.1501.1 Adult Book Store, Adult Live Entertainment Establishment, Adult Theater, and Commercial Establishments Serving Alcoholic Beverages.

The purpose and intent of requiring the following standards for adult bookstores, entertainment facilities, and commercial establishments serving alcoholic beverages is to prevent conditions that would presently or ultimately lead to blight and deterioration.

- a. No adult bookstore, entertainment facilities and commercial establishments serving alcoholic beverages shall be located within 1,000 feet of a church, school, public park, non-commercial public assembly facility or public office building.
- b. The site shall not be adjacent to or within three hundred (300) feet of any residential area or R Residential Zone.
- c. The site shall not be within 1,000 feet of any other adult entertainment use or any commercial establishment serving alcoholic beverages.
- d. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Township Planning Commission.
- e. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

1.1501.2 Agriculture Bulk Collection, Storage, Distribution

- a. Each principal agri-business use shall have frontage upon a thoroughfare having a primary or greater classification and access thereto.
- b. The minimum lot area shall be 100,000 square feet (2.3 acres) and the minimum lot width shall be 300 feet.

ARTICLE XV - SITE DEVELOPMENT REQUIREMENTS _____ 1.1500

- c. A bulk collection, storage, distribution, and similar structure shall be located not less than 50 feet from any right-of-way line and not less than 50 from any side or rear property line.
- d. The total coverage of all main and accessory buildings shall not exceed 30 percent of the lot on which they are located.
- e. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond 500 feet of the boundaries of the lot or premises.
- f. Adequate off-street parking and loading/unloading facilities shall be provided in accordance with Article XVII.

1.1501.3 Agriculture, Research and Testing

- a. All research and testing operations shall be minimum lot size, 10 acres.
- b. There shall be a minimum distance of one hundred (100) feet between any side and rear property line and any building, holding pen, or other of animals.
- c. The minimum distance between any structure associated with research, testing, and holding of animals and any residential dwelling shall be five hundred (500) feet.
- d. Animal waste, manure, carcasses, offal, residue, etc. shall be transported to a licensed facility for appropriate disposal. A crematorium, properly constructed and licensed, may be used, with remains disposed of in a licensed landfill in conjunction with the requirements of P.A. 641 of 1978, as amended.
- e. All animal research related activity shall occur within enclosed buildings.
- f. Smoke, odor, dust, noise resulting from the operations of agriculture, research and testing shall be confined to the property upon which such research and testing is occurring.
- g. No minimum side or rear setback is required for production of agricultural crops for research and testing. No crops shall be grown within the designated front yard of an associated building or structure.

ARTICLE XV - SITE DEVELOPMENT REQUIREMENTS _____ 1.1500

1.1501.4 Airports, Aircraft Landing Field

- a. Privately owned and maintained noncommercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of one hundred (100) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least three hundred (300) feet.
- b. All privately owned and maintained aircraft landing strips shall be at least one thousand (1,000) feet from the nearest residential dwelling unit and at least two hundred (200) feet from all other buildings not designed as accessory structures for said aircraft landing field.
- c. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

1.1501.5 All Other Permitted Uses in the C General Commercial District Not Specified in this Article.

- a. Adequate off-street parking shall be provided in accordance with Article XVII.
- b. Signage requirements of Article XVIII shall be adhered to.
- c. Not more than three commercial establishments, separated by common walls, or separated by a maximum distance of twenty (20) feet between each building, may retain one common dumpster for solid waste. Such dumpster is to be located within the rear yard of one of the establishments.

1.1501.6 Animal (Veterinary) Hospitals/Clinics

- a. Minimum lot area shall be one acre.
- b. Outdoor kennels or similar "holding" areas shall be at least fifty (50) feet from any adjacent dwelling or any adjacent property used by the public and shall not be located in any required front, rear or side yard setback area.

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- c. Appropriate off-street parking and sign requirements as identified in Article XVII and XVIII shall be met.
- d. All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local Health Department regulations.
- e. Facilities and operational procedures must meet necessary licensing requirements.
- f. All medical and surgical procedures must occur within a completely closed building.

1.1501.7 Automobile Service Stations

- a. Minimum lot area shall be 20,000 square feet for an automobile service station or repair garage.
- b. Minimum lot width shall be not less than 100 feet.
- c. Minimum lot depth shall not be less than 200 feet.
- d. An automobile service station building shall be located not less than fifteen (15) feet from any right-of-way line and not less than thirty (30) feet from any side or rear lot line abutting residentially zoned property.
- e. Ingress and egress drives shall not be less than fifteen (15) feet in width.
- f. No more than one curb opening shall be permitted for every 50 (50) feet of frontage (or major fraction thereof) along any street.
- g. No drive or curb opening shall be located nearer than thirty (30) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the zoning officer, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

- h. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- i. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- j. When adjoining residentially zoned property, a six (6) foot masonry wall or wood fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls or wood fence shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty (20) feet of any right-of-way line, subject to approval by the Zoning Administrator.
- k. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.
- l. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- m. Only one free-standing sign per street frontage shall be permitted, not exceeding fifty (50) square feet in area, which shall display only the name of the user or occupant of the premises.
- n. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

1.1501.8 Banks, Savings and Loans, Credit Unions (Drive-Thru)

- a. Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of 20,000 square feet, with a minimum lot width of (100) feet abutting the street right-of-way.
- b. The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
- c. A drive-thru facility or free standing automated teller machine shall be located on the site to accommodate a minimum depth (column) of four vehicles at any one time.
- d. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
- e. The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.

1.1501.9 Campgrounds, Travel Trailer Parks

- a. Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.
- b. All campgrounds publicly or privately owned and operated shall comply with Act 368 of the Public Act of 1978.
- c. Minimum lot size shall be five acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one public telephone.
- d. Minimum distance between designated campsites shall be twenty (20) feet; minimum distance between travel trailers/recreational vehicles shall be fifteen (15) feet.
- e. Appropriate vegetation and screening around the perimeter of the site shall be provided in accordance with Article III (1.0312).

ARTICLE XV - SITE DEVELOPMENT REQUIREMENTS _____ 1.1500

1.1501.10 Child Care Centers, Day Care Centers, Group Day Care Homes

- a. Such uses shall be duly licensed by the State Department of Social Services.
- b. Buildings and lots so used shall conform to all state and local code requirements, except that such uses or structures shall not be permitted in buildings and lots which are nonconforming uses or structures as defined in this code.
- c. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
- d. The proposed use shall be served adequately by essential public facilities and services.
- e. The proposed building shall not be out of harmony with the predominate type of building in the particular zone by reason of its size, character or location.
- f. The proposed building shall be of a sustained desirability and stability so that the property contiguous to the development will not be unreasonably affected.
- g. The proposed use shall conform to the building height, areas and yard requirements of the district in which it is located.
- h. The proposed use shall not cause significant damage to the natural environment within the immediate neighborhood or the community as a whole.
- i. Churches. The following additional standard shall apply only to church developments:
 1. The minimum yard requirements of the use district in which the church is located shall apply except that in no event shall the yard requirement be less than .5 feet of the yard to each foot of building height (excluding steeples) as applied to rear or side yard depth.

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1.1501.11 Churches, Religious Institutions

- a. Minimum lot width shall be one hundred (100 feet).
- b. Minimum lot area shall be 1.5 acres.
- c. Off-street parking shall be provided in accordance with Article XVII.
- d. The main building or space used for church functions shall be separate from the living quarters of the person or persons that function as minister and/or caretaker of the facility.

1.1501.12 Commercial Activities in the FR District

- a. Commercial businesses shall be limited to those that provide goods and services to hunters, fishermen, canoeists, hikers, equestrians, snowmobilers, and similar outdoor recreationalists.
- b. The minimum front yard setback for the main commercial building on the site shall be one hundred (100) feet.
- c. No accessory buildings shall be located within the designated front yard of the main commercial building.
- d. Off-street parking and signage shall be in accordance with the requirements of Article XVII and Article XVIII.
- e. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent properties containing residential dwellings.

1.1501.13 Commercial Cleaning Plants

- a. Minimum lot size shall be 1.0 acres, the minimum side yard setback shall be twenty (20) feet.
- b. Off-street parking and signage shall be in accordance with the requirements in Article XVII and Article XVIII.
- c. All storage and disposal of chemicals used on-site in the process of commercial cleaning and laundering shall be in accordance with applicable local, state and federal regulations and requirements.

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- d. All storage, processing and cleaning activities shall occur within an enclosed building.
- e. A fence or year-round landscape buffer of a minimum height of six (6) feet shall separate the cleaning establishment from adjacent residential properties.
- f. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

1.1501.14 Convalescent Homes

- a. Minimum lot size shall be two acres.
- b. The lot location shall be such that at least 50 percent of the property line abuts a paved county primary road. The ingress and egress for off-street parking areas for guests and patients shall be directly from said county primary road.
- c. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- d. The facility shall be designed to provide a minimum of 1,500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

1.1501.15 Drive-In Theaters

- a. Minimum lot size shall be five acres.
- b. The lot location shall be such that at least 10 percent of the property line abuts a paved county or state primary road and shall be at least five hundred (500) feet from any residential district. All ingress and egress to the lot shall be directly onto said primary road.
- c. All points of entrance or exit shall be located no closer than sixty (60) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- d. Space shall be provided, on-premises, for five waiting vehicles to stand at the entrance to the facility.

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- e. The theater screen shall not be visible to a state or county primary road or any residential district.

1.1501.16 Drive-Thru Restaurants/Fast Food Establishments

- a. A minimum lot size shall be fifteen thousand (15,000) sq. ft.
- b. The main and accessory buildings shall be set back a minimum of thirty (30) feet from any adjacent right-of-way line or residential property line.
- c. A six (6) foot high masonry obscuring wall shall be provided adjacent to any residential district.
- d. Separate ingress and egress shall be provided.
- e. Vehicular drive-thru lanes must be able to accommodate at least four vehicles per lane at any one time.

1.1501.17 Equipment Rental/Sales

- a. Minimum lot size shall be one acre.
- b. The area used for outdoor storage of equipment/materials shall be surrounded by a fence or wall of a minimum height of six (6) feet.
- c. Required off-street parking areas shall be paved with concrete or asphalt.
- d. All main and accessory structures shall be located no closer than fifty (50) feet from a residential district.
- e. Adequate vehicular turning radius in the interior of the site (to accommodate a pickup truck or car and trailer) shall be provided.

1.1501.18 Golf Courses, Country Clubs

- a. Minimum lot size shall be 50 acres.
- b. The main and accessory buildings shall be set back at least 50 feet from all property lines.

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- c. Appropriate planting and screening shall be provided where the golf course abuts a residential lot.

1.1501.19 Golf Driving Range

- a. Minimum lot size shall be five (5) acres.
- b. Main and accessory buildings shall be set back at least fifty (50) feet from all adjacent property lines.
- c. The perimeter of the driving range shall be enclosed with a chainlink fence of a minimum height of six (6) feet.
- d. All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

1.1501.20 Home Occupation

- a. No more than 25 percent of the gross floor area of the dwelling unit shall be utilized.
- b. The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.
- c. Only those articles produced on the premises by such occupation may be sold or offered for sale.
- d. No home occupation shall require outdoor storage of equipment, machinery or signs not customary in a residential location.
- e. No more than one nonilluminated nameplate, attached to the building and not larger than two (2) square feet in area, containing the name and occupation of the resident, will be allowed.
- f. A home occupation that will attract an average of more than two customer vehicles at all times during operating hours, shall provide off-street parking facilities in accordance with Article XVII.

The parking requirements associated with the use or activity in Article XVII most similar to the home occupation shall be applied.

1.1501.21 Hospitals/Medical Centers

- a. Minimum lot area shall be two acres.
- b. The lot location shall be such that at least 50 percent of the property line abuts a paved county primary road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said county primary road.
- c. Minimum main and accessory building setback shall be fifty (50) feet.
- d. No power plant or laundry shall be located nearer than two hundred (200) feet to any adjacent residential district.

1.1501.22 Kennels

- a. All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.
- b. For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each five additional animals.
- c. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than thirty (30) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- d. All applicable off-street parking and sign regulations identified in Article XVII and Article XVIII shall apply.

1.1501.23 Laboratories

- a. All operations shall be within an enclosed building.
- b. Solid and liquid wastes shall be contained and disposed of according to applicable state and federal requirements.
- c. Off-street parking requirements of Article XVII shall be met.

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- d. Applicable performance standards identified in Section 1.1501.32.

1.1501.24 Livestock Feedlots (Intensive)

- a. All structures and confined lots designed to house or contain livestock shall be setback at least five hundred (500) feet from any existing family residence except that of the confined feeding operator.
- b. All structures of confined lots designed to house or contain livestock shall be setback at least one thousand (1,000) feet from any existing church, business, school, recreational area or any public buildings; and one thousand three hundred (1,300) feet from any zoned residential or any area that has a recorded residential plat.
- c. All such structures shall be setback at least thirty (30) feet from the road right-of-way.
- d. If the waste handling facility of an operation is an open earthen pit, the minimum setback distance of structure and lots should be increased to: 1,000 feet from any existing family residence (except that of the feedlot operator); 1,500 feet from any church, business, school, recreation area, public buildings; 2,000 feet from a residential zone or recorded plat and 50 feet from the road right-of-way.
- e. The owner of any animal feedlot shall be responsible for the storage, transportation and disposal of all animal manure generated in a manner consistent with the following provisions:
 - 1. All manure from confinement manure storage pits or holding area, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner taking into account the season of the year and wind direction; each feedlot shall have sufficient area to permit proper incorporation or disposed of manure.
 - 2. No animal manure shall be disposed of within the right-of-way of any public road or street.
 - 3. All vehicles used to transport animal manure on township, county, state and interstate highways or through municipalities shall be leakproof.

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- f. No feedlot shall be located within a floodplain.
- g. Agricultural products, such as but not limited to, grain, bedding plants, livestock, etc., that are not raised on the owner's or operator's property are prohibited from being transported to the feedlot site for commercial processing and/or shipping.

1.1501.25 Lumber Yards

- a. Minimum lot size shall be two acres.
- b. The perimeter of the site used for storage, fabrication or assembly of materials shall be bounded by a chain link, wire or wood fence, concrete block or brick wall of a minimum height of five (5) feet.
- c. All required off-street parking spaces shall be paved with concrete or asphalt.
- d. Loading and unloading facilities shall be located at the rear or side of the main building or at other sites behind the main building.

1.1501.26 Mortuaries/Funeral Homes

- a. Minimum lot area shall be a minimum of 1.0 acres.
- b. Off-street parking shall be provided in accordance with Article XVII.
- c. The space in the main building used for mortuary functions shall be separate from the living quarters of the person or persons owning, managing, or maintaining the mortuary.
- d. Outdoor signage shall conform to the requirements Article XVIII.
- e. A fence or natural year-round landscape barrier of a minimum height of six (6) feet shall be located between the mortuary and adjacent residential dwellings.
- f. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

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1.1501.27 Motel or Motor Court

- a. Each unit of commercial occupancy shall contain a minimum of two hundred (200) square feet of gross floor area.
- b. When adjacent to a residential district, a masonry wall, six (6) feet in height, shall be erected on the common property line.

1.1501.28 Nurseries for Plants and Flowers

- a. Minimum lot size shall be one acre.
- b. The storage or material display areas shall meet all the yard setback requirements applicable to any building in the district.
- c. All loading/unloading activities and parking areas shall be off-street in conformance with Article XVII.
- d. The storage of soil, fertilizer or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.

1.1501.29 Open-Air Business (for requirements for outdoor amusement facilities, refer to Section 1.1501.30).

- a. Minimum lot area shall be 20,000 square feet.
- b. Minimum lot width shall be sixty (60) feet.
- c. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- d. In the case of car sales lots:
 - 1. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
 - 2. Lighted parking areas shall not create a nuisance for nearby properties including, but not limited to: agricultural machinery sales and service, new and used car sales, lawn and garden sales and service.

1.1501.30 Outdoor Amusement Facilities

- a. Minimum lot size shall be one acre.
- b. A front yard setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
- c. Adequate off-street parking in accordance with Article XVII shall be provided.
- d. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two streets.
- e. All lighting shall be shielded from adjacent residential districts.
- f. A four (4) foot, six (6) inch (4' 6") obscuring wall or fence must be provided around the perimeter of the site.

1.1501.31 Parks, Recreational Facilities

- a. The minimum area for a park shall be one-half acre.
- b. Adequate parking as required in Article XVII shall be provided.
- c. A natural vegetation shall be maintained between the park area and all other adjacent land uses.

1.1501.32 Permitted Uses in the I General Industrial District

- a. All uses and activities in the I General Industrial District shall conform to the following performance standards:
 - 1. Fire and Explosion Hazards. All activities shall be carried on only in buildings conforming to the building code and the operations shall be carried on in such a manner and with such precaution against fire and explosion hazards, as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Every factory or manufacturing building shall be equipped with fire extinguishers approved by the appropriate Fire Chief as being sufficient in view of the nature and extent of the fire risk.
 - 2. Atmospheric Pollution. There shall be no emission of smoke, atomic radiation, fumes, gas, dust, odors or other

atmospheric pollutant which will disseminate beyond the lot in such a manner as to create a public nuisance, cause damage or inconvenience to other buildings or properties or imperil the health of animals or humans.

3. **Liquid or Solid Waste.** No industrial operations shall directly discharge untreated industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage and waste disposal shall conform to County and State Health Department regulations.
4. **Vibration.** There shall be no vibration which is discernable to the human sense of feeling beyond the lot lines of the property on which such use is conducted.
5. **Noise.** There shall be no noise emanating from the operation which will create a public nuisance or adversely affect surrounding areas.
6. **Glare.** There shall be no direct or sky-reflected glare which would be damaging to the human eye or cause a hazardous condition on a public street.

1.1501.33 Private Fraternal Clubs and Lodges

- a. Minimum lot size shall be two acres.
- b. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- c. Adequate off-street parking, as identified in Article XVII, shall be provided.

1.1501.34 Private Outdoor Recreation Camps

- a. Minimum lot size shall be 10 acres.
- b. Outdoor cooking facilities shall be constructed of appropriate fireproof material, be adequately vented and located an adequate distance from trees, vegetation and other structures to ensure appropriate fire protection.
- c. Adequate off-street parking shall be provided to accommodate the expected number of vehicles that will use the site at any one time.

- d. Main and accessory buildings shall meet the minimum yard setback requirements of the district in which the camp is located.
- e. Adequate screening and vegetation shall be required where the camp abuts a residential, commercial or industrially zoned property.
- f. Outdoor lighting shall be located so as not to create a glare or other visual nuisance upon adjoining property.

1.1501.35 Private Hunting Camps

- a. Minimum lot size shall be 80 acres.
- b. The main and accessory buildings shall be set back at least one hundred (100) feet from all property lines.
- c. Adequate off-street parking, as identified in Article XVII, shall be provided.
- d. "No Trespassing, Private Hunting Club" signs shall be posted and clearly visible on the property within 25 feet of the property boundary lines. Said signs shall be posted every 300 feet along the perimeter of the property. (Amended Ord. #2005-2 on 11-14-05)
- e. "No Shooting Beyond This Point" signs shall be posted and clearly visible 300 feet from the property line and 450 feet from dwellings on adjacent properties where applicable. Signs shall be spaced no more than 300 feet apart. These signs shall be directed towards the interior of the hunting area to prevent hunters shooting too close to adjacent properties. (Amended Ord. #2005-2 on 11-14-05)

1.1501.36 Private Swimming Pools

- a. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twenty-four (24) feet or an area exceeding two hundred (200) square feet, a permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the County Health Department shall also be submitted.

- b. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- c. Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than five (5) feet between pool wall and any building on the lot.
- d. All swimming pools shall be completely enclosed by a chainlink fence or a fence of comparable safety not less than six (6) feet nor more than eight (8) feet in height, and set at a distance of not less than six (6) feet from the outside perimeter of the pool wall, except for swimming pools above grade (i.e., portable) which have a side wall with a smooth surface of not less than four (4) feet in height and will all means of access being secured, raised and/or locked to prevent unauthorized use. Except, that if a building is located on a lot not leaving any means of public access, a fence shall not be required on any such side. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use, provided, that if the entire premises is enclosed by fence or wall, the said fence requirement may be waived by zoning officer, after due inspection and approval.
- e. All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.
- f. A private swimming pool shall be located only in the rear yard.

1.1501.37 Public Utility Service Buildings/Stations (Essential)

Buildings and facilities associated with essential services, as defined in Article II, shall be permitted as authorized by law and other ordinances in any use district. The construction, erection, alteration and maintenance of essential public utilities service buildings/stations

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shall be exempt from the application of this ordinance. Fees will be charged for substations, regulator buildings and auxiliary buildings, but not for those elements directly associated with distribution or transmission systems.

1.1501.38 Radio and Television Towers

- a. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half times the height of each tower above the ground.
- b. Unless specifically waived by the Planning Commission, an open weave wire fence eight (8) feet in height shall be constructed on the boundary property line.

1.1501.39 Roadside Stands

- a. The gross floor area of the temporary building shall be not less than one hundred (100) square feet and not more than five hundred (500) square feet.
- b. Suitable containers for rubbish shall be placed on the premises for public use.
- c. The temporary building shall be located not less than ten (10) feet from the public road right-of-way. Its height shall be no more than one story.
- d. An off-street parking space capable of accommodating four (4) automobiles must be provided, with an entrance and exit separate from each other.

1.1501.40 Salvage Yards

- a. Minimum lot size shall be three acres.
- b. The setback from the front property line to the area upon which junk materials are stored shall be not less than sixty (60) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence ten (10) feet in height. Said fence to be kept uniformly painted, neat in appearance and shall not have any signs or symbols painted on it.

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- c. All structures and fencing and used material storage yards shall be set back not less than 50 feet from any street or highway right-of-way.
- d. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

1.1501.41 Schools, Civic Buildings, Post Office, Fire Station and other similar public structure facilities.

- a. Adequate off-street parking must be provided in accordance with the standards in Article XVII.
- b. Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
- c. The minimum setbacks for main and accessory school structures shall be fifty (50) feet.
- d. The minimum distance between main and accessory school structures and residential property or residential districts shall be three hundred (300) feet.
- e. Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
- f. Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.

1.501.42 Shooting Ranges (Outdoor and Indoor)

- a. Minimum lot size shall be ten (10) acres.
- b. Off-street parking shall be provided to accommodate patrons (1 space per shooting station).
- c. Minimum distance between the perimeter or boundary line of an outdoor range and the nearest residential, commercial, industrial or recreational use shall be five hundred (500) feet.

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- e. Target shooting shall be limited to the hours between 10 AM and sundown.
- f. An earthen berm, at least ten (10) feet high, shall be located between ten (10) and twenty (20) feet behind the targets and extending twice the length of the distance between outermost targets.

1.1501.43 Shops for Building Contractors

- a. Minimum lot size shall be 30,000 square feet.
- b. Areas used for storage, milling and/or fabrication shall be surrounded by a fence or wall of a minimum height of six (6) feet and shall be located at the rear of the main building.
- c. Vehicles and equipment used in construction shall be parked or stored in the rear, or on the side, of the main building.
- d. The minimum distance between any structure or area on the premises in which construction or fabrication activity occurs as a function of the business shall be located no closer than seventy-five (75) feet from a residential district.

1.1501.44 Stables

- a. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be 5.1 acres, except that up to three saddle horses or ponies may be housed and reared on lots of two to five acres.
- b. An accessory building used as a stable shall not be located nearer than fifty (50) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- c. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than thirty (30) feet to any dwelling on adjacent premises.
- d. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- e. Appropriate off-street parking, as identified in Article XVII shall be provided.

1.1501.45 Tire Shops

- a. All processing, fabrication, retreading and similar activity shall occur within an enclosed building.
- b. New, used and retread tires shall be stored in an enclosed building.
- c. Off-street parking for customers shall be paved with concrete or asphalt.

1.1501.46 Trailer Sales Yards

- a. Trailer sales yards shall adhere to the requirements of Section 1.1501.29 Open-Air Business.

1.1501.47 Vehicle Wash Establishments

- a. Minimum lot size shall be 25,000 square feet.
- b. All washing activities must be carried on within a building.
- c. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
- d. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking space for vehicles to be serviced by the subject facility.

1.1501.48 Requirements for Wes Special Land Uses

- (A) Upwind Turbines shall be required.
- (B) Property Setbacks. The distance between a WES and the owner's property lines (and road right-of-way lines) shall be at least 1.5 times the height of the WES structure including the blade in its vertical position.
- (C) Utility Setbacks. No WES shall be erected so that any portion of the tower or turbine is closer to utility lines than the total height of the tower and rotor combined.

- (D) Construction Codes, Towers, and Interconnection Standards. WES including towers shall comply with all applicable state construction and electrical codes and building permit requirements. WES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structure Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An Interconnected WES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this last requirement.
- (E) Safety. A Wind Energy System shall have:
- (1) Automatic Braking - Automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - (2) Lightening Protection - All wind towers shall have lightening protection.
 - (3) Appropriate Warning Signage – Shall be placed on wind turbine towers, electrical equipment, and large wind energy facility entrances. The sign shall contain at least the following: warning high voltage, manufacturer's and owner's/operator's names, and emergency contact numbers.
 - (4) Guy Wire Anchors - If a tower is supported by guy wire anchors, the wires shall be clearly visible at a height of at least six feet above the guy wire anchors.
 - (5) Fluids - All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
 - (6) Ground Clearance – For both horizontal and vertical axis turbines, the WES rotor shall be located on the tower or support such that the minimum vertical blade clearance above ground within 50 feet of the base of the structure shall be twenty (20) feet.
- (F) Electromagnetic Interference. The entire WES including turbines, alternators, generators, and interconnected systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which could cause interference with communication systems, such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems. The entire WES shall

also comply with Federal Communication Commission Rules and in particular with 47 CFR, Part 15, Subparts A and F and Part 18, Subparts A, D, and H.

- (G) Height, WES. The maximum allowable height, of a wind turbine shall be measured from grade to the height of the blade in the vertical position or the highest point the height shall be limited to 500 feet, unless otherwise prohibited or exempted by state or federal statutes or regulations. The maximum allowable height for any specific site shall be further regulated by the requirements of the Federal Aviation Administration, the Michigan Aeronautics Division, Michigan Department of Transportation and the Michigan Aeronautics Commission.
- (H) Quantity. The number of WES shall be determined based on setbacks and separation.
- (I) Noise. Each WES turbine shall not produce vibrations humanly perceptible beyond the property line. In addition, a copy of a noise modeling analysis report and the site plan shall show locations of equipment identified as a potential source of noise. Such potential sources of noise shall be placed, based on the analysis, so that the entire WES shall not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WES, sound pressure level measurements shall be done by a third party qualified professional according to procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Township Zoning Administrator prior to the commencement of commercial operation. Audible noise or the sound pressure level from the operation of the WES Farm shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, measured at the property line. The applicant shall provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the WES Farm to demonstrate compliance with this standard.
- (J) Vibration. The WES shall not produce vibrations humanly perceptible beyond the boundary lines of property on which it is located.

- (K) Shadow Flicker. The WES owner(s) and/or operator(s) shall conduct an analysis by a certified shadow flicker analyst on potential shadow flicker at any occupied building with direct line-of-sight to the WES. Owner(s) and/or operator(s) shall submit documentation to the Zoning Administrator indicating the training and certification of the shadow flicker analyst before such analysis is conducted. The analysis shall identify the locations of shadow flicker that may be caused by the WES and the expected durations of the shadow flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.
- (L) Avian/Wildlife Impact Analysis. The applicant shall obtain at its own expense and submit an avian/wildlife study to assess the potential impact of a proposed WES Farm upon bird, bat and wildlife species. The avian/wildlife study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways or pathways. The applicant shall identify any plans for post-construction monitoring or studies. The analysis shall also include an explanation of potential impacts and a proposed mitigation plan to address those impacts. The Planning Commission may request a third-party analysis at the applicant's expense.
- (M) Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder at a minimum height of twelve (12) feet.
- (N) Structural Integrity. The structural integrity of the WES shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
- (O) Color. WES shall be painted a non-obtrusive (i.e. white, beige or gray) color that is non-reflective. No striping of color or advertisements shall be visible on the blades or tower.

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- (P) Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

- (Q) Certification and Compliance.
 - (1) The Township shall be notified of a change in ownership of a WES or a change in ownership of the property on which the WES is located.

 - (2) The Township reserves the right to inspect any WES in order to ensure compliance with this ordinance. Any cost associated with the inspection shall be paid by the owner(s) and/or operator(s) of the WES.

 - (3) Owner(s) or operator(s) shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.

- (R) Public Inquiries and Complaints. Should an aggrieved property owner allege that the WES is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows.
 - (1) Noise Complaint.
 - (a) Notify the Township in writing regarding concerns about noise level.

 - (b) If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation and has not previously been studied in a shadow/flicker analysis, the Zoning Administrator will request the owner(s) or operator(s) deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician approved by the Planning Commission to determine compliance with the requirements of this Ordinance.

 - (c) If the test indicates that the noise level is within noise requirements, the Township will use the deposit to pay for the test.

(d) If the WES is in violation of the noise requirements, the owner(s) or operator(s) shall reimburse the Township for the noise level test and take immediate action to bring the WES into compliance, which may include ceasing operation of the WES until violations are corrected. The Township will refund the deposit to the property owner.

(2) Shadow Flicker Complaint.

(a) Notify the Township in writing regarding concerns about the amount of shadow flicker.

(b) If the complaint is deemed sufficient by the Zoning Administrator to warrant an investigation, the Zoning Administrator will request the owner(s) or operator(s) to provide a shadow flicker analysis, conducted by a certified analyst, of the WES as constructed to determine compliance of the requirements of this Ordinance. Owner(s) and/or operator(s) shall submit documentation to the Zoning Administrator showing the training and certification of the shadow flicker analyst before such analysis is conducted.

(c) If the WES is in violation of the shadow flicker requirements, the owner(s) or operator(s) shall take immediate action to bring the WES into compliance, which may include ceasing operation of the WES until violations are corrected.

1.1601 SCHEDULE OF REGULATIONS

The following table presents the minimum and maximum area, height, and distance requirements for each district with the Manlius Township Zoning Ordinance.

Zoning Districts	Minimum Lot Size Per Dwelling Unit/Main Structure		Maximum Height of Structures	Minimum Yard Setbacks (Ft.)			Minimum Floor Area
	Area	Width (Ft.)	In Feet	Front	Side	Rear	(Sq. Ft.)
A - Agricultural							
Farm Dwelling	(f)	800	35	30	100	None	800
Non-Farm Dwelling	3 Acres	300	25	30	20	30	
FR - Forestry and Rec.	10 Acres	330	35	100	100	100	720
R-1 Rural Residential	3 Acres	300	35	30	50	75	720
Natural River Overlay	(a)	(a)	(a)	(a)	(a)	200 (b)	(a)
R-2 Median Density Res.							
Single-Family	43,560 SF	150	35	30	20	30	720
Two-Family	43,560 SF	150	35	30	20	30	720
R-3 Community Residential							
Single-Family	21,780 SF	100	35	30	20	30	720
Two-Family	21,780 SF	100	35	30	20	30	720
Multiple-Family							
Efficiency	3,000 SF	200	35	30	20	30	350
One Bedroom	3,000 SF	200	35	30	20	30	400
Two Bedroom	4,200 SF	200	35	30	20	30	600
Three Bedroom	5,100 SF	200	35	30	20	30	720
Four+ Bedroom	5,700 SF	200	35	30	20	30	Plus 80 SF for each additional bedroom
C - General Commercial	None	60	35	30(c)	5	10	None
I - General Industrial	5 Acres	300	45	30	100	50	None
Mobile Home Parks	5,000 SF (MH / Lot) 10 Acres (MH Park)	75	20	15(a)	25(e)		
<p>(a) Minimum lot size height of structure, yard setbacks and minimum floor area shall adhere to the requirements of the underlying zoning district, unless superseded by the requirements of the Natural River Overlay District.</p> <p>(b) The setback may decrease three (3) feet for every one (1) foot of vertical back height above the ordinary high water mark until a minimum setback of 75 feet from the river's edge is reached.</p> <p>(c) - See 1.1104.4 -</p> <p>(d) The front yard of a mobile home lot is that portion of the lot between the street right-of-way and the closest part of the mobile home.</p> <p>(e) The side yard of a mobile home lot is that portion of the lot between the lot line running more or less perpendicular to the street and the nearest part of the mobile home.</p> <p>(f) - See 1.0504.1a -</p>							

1.1801 **SCOPE**

This article is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the public peace, morals, health, safety and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided herein.

1.1802 **DEFINITIONS**

- a. Illuminated Signs - A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- b. Identification Signs - A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
- c. Pole Signs - A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and have a sign area not more than 100 square feet from the ground to the bottom of the sign.
- d. Projecting Signs - A sign which projects from and is supported by a wall of a building and does not extend beyond or into and over street right-of-way.
- e. Portable Signs - A free-standing sign not permanently anchored or secured to either a building or the ground.
- f. Real Estate Signs - A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease. Altering such signs after sale, rent or lease is consummated to reflect that said real estate was sold, rented or leased by a particular individual, firm or corporation shall not be permitted.
- g. Temporary Signs - A display, information sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays or public demonstrations.

- h. Marquee Signs - An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- i. Wall Signs - A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches therefrom nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.
- j. Roof Signs - Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- k. Institutional Bulletin Board - A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- l. Subdivision Sign - A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs being without moving part, not higher than ten (10) feet from the ground and no closer than twenty (20) feet to any public right-of-way line.

1.1803 PERMIT PROCEDURE

- 1.1803.1 Application for a permit to construct or locate a sign, except real estate signs, shall be obtained from the Township Zoning Administrator. The application shall include the following information.
 - a. Name, address, telephone number of the landowner, developer, or petitioner.
 - b. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed sign(s).
 - c. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.

- d. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
- e. In the case of a temporary sign, the length of time the proposed sign will be on the site.
- f. The proposed date of construction of the sign.
- g. Other information or data as may be required by the Zoning Administrator.

1.1803.2 The Zoning Administrator shall approve, disapprove, or approve subject to specified conditions, the request for a permit, based upon the standards for this Article.

1.1804 MEASUREMENT OF AREA OF A SIGN

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere is divided by four for purposes of determining the maximum permitted sign area.

1.1805 SIGNS PERMITTED

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations.

1.1805.1 Agricultural District. The following types of signs are permitted:

- a. On Premises Advertising Sign for principal uses other than dwellings, not exceeding twenty-four (24) square feet in area and set back at least fifteen (15) feet from the front line.

- b. Identification Sign, one per dwelling unit not exceeding eight (8) square feet in area; and one per business not exceeding twenty-five (25) square feet.
- c. Temporary Sign, one per premises advertising produce raised on said premises; not exceeding twenty (20) square feet in area; set back from any right-of-way at least ten (10) feet, and removed from view during seasons when said produce is not normally considered in season.
- d. Real Estate Sign, one per premises or building and located only while said real estate is actually on the market for sale, rent or lease; not exceeding eight (8) square feet in area and set back at least five (5) feet from the front line.

1.1805.2 In the R-1, R-2 and R-3 Residential Districts, no more than one (1) sign at any one time shall be permitted. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:

- a. On-Premises Advertising Sign, for principal uses other than dwellings, not exceeding ten (10) square feet in area and not located nearer to the front lot line than six (6) feet from the required front yard setback nor located in the required side yard setback.
- b. Identification Sign, one per dwelling unit, not exceeding one hundred forty-four (144) square inches in area; and one per business, not exceeding eight (8) square feet in area.
- c. Institutional Bulletin Board, one per public or semi-public institution, located on premises, not exceeding forty (40) square feet in area, and set back at least fifteen (15) feet from the front lot line.
- d. Real Estate Sign, one per premises or building and located on the same premises or building only while said real estate is actually on the market for sale, rent or lease; not exceeding ten (10) square feet in area and set back at least five (5) feet from the front lot line.
- e. Subdivision Sign, one per subdivision or mobile home park, continuously and properly maintained; not exceeding thirty (30) square feet in area and set back at least twenty (20) feet from any property or right-of-way line. (As Amended By Ord. # 2008-1 on 8-28-2008)

- f. Temporary Sign, on-premises or off-premises sign advertising real estate in a subdivision being for sale, rent or lease, not exceeding (16) square feet in area and subject to approval by the Zoning Administrator for periods of up to six (6) months subject to removal as long as the sign conforms to the conditions of approval and said real estate is actively on the market for sale, rent or lease. The number of off-premises signs shall be limited to that reasonably necessary to direct the public to the location of the development.

1.1805.3 Mobile Home Parks and Multi-Family Dwellings. No sign shall be illuminated by other continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:

- a. Same as for single-family and two-family residential.
- b. Wall Sign, one per housing development, indicating only the name of the housing development; not exceeding sixteen (16) square feet in area.

1.1805.4 Industrial and General Commercial District. The following types of signs are permitted.

- a. Same as for those signs allowed in the Medium Density Residential District.
- b. Advertising Sign, Wall Sign, Roof Sign, Portable Sign (less than twenty (20) square feet in area), Pole Sign (less than twenty (20) feet in height) or Marquee Sign. No business establishment shall have a total of more than three (3) signs facing upon any one street, providing the total sign area for all signs permitted shall not exceed fifteen (15) percent of the area of the face of the building to which they are attached or stand in front of and set back from the front lot line at least ten (10) feet, except as provided for elsewhere in this ordinance.
- c. Billboard, where the erection or maintenance of same will not unreasonably affect the proper use of adjoining property, at least twenty (20) feet from any right-of-way line; not exceeding a sign area of ten (10) feet in height and fifteen (15) feet in length, and subject to Board of Appeals approval for periods of up to thirty-six (36) months. (Amended on 12/13/2000)

1.1806 SIGNS PROHIBITED

A sign not expressly permitted by this ordinance is prohibited.

1.1807 ILLUMINATION

There shall be no flashing, oscillating, or intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light there from being cast upon adjoining residences and shall be located at least one hundred fifty (150) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

1.1808 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Building Inspector.

1.1809 HEIGHT AND OVERHAND

No sign otherwise permitted shall exceed the maximum height limitations of the zoning district in which it is located.

1.1810 BOARD OF APPEALS

The Board of Appeals may, upon application by a property owner, modify the specifications of this Article where no good purpose would be served by strict compliance with same.

1.1811 DIRECTIONAL SIGNS

All directional signs for orientation of the general public, when erected by the township, county or state, shall be permitted in all Districts.

ARTICLE XX - GRADING AND SOIL EROSION CONTROL _____ 1.2000

1.2001 PURPOSE

The purpose of this Article is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development within the Township by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the community.

1.2002 COMPLIANCE WITH ARTICLE REQUIRING SITE PLAN

No site plan shall be approved under Article XIV of this Ordinance unless said site plan shall include soil erosion and sediment control measures consistent with the requirements of this article.

1.2003 COMPLIANCE WITH ARTICLE REQUIRING CERTIFICATE OF OCCUPANCY

No certificate of occupancy for any building shall be issued under Article XXVII of this Ordinance unless the applicant for said certificate shall have obtained a certification of compliance indicating compliance with all grading plans and specifications and completion of permanent soil erosion control measures from the Manlius Township Building Inspector.

1.2004 PERMIT

A separate application shall be required for each grading permit. Single-family or two-family dwellings, mobile homes and agricultural buildings, in addition to logging, plowing or tilling of land for agricultural purposes shall be exempted from acquiring a grading permit, except as required under the Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972, as amended) and other appropriate state and federal requirements. Residential Subdivision Development, Planned Unit Development and Site Condo Development shall require a grading and soil erosion permit for each lot proposed for construction or improvement. Plans, specifications and timing schedules shall be submitted with each application for a grading permit. The plans and specifications accompanying the grading permit application shall contain the following data.

1.2004.1 A vicinity sketch at the scale of 1 inch = 200 feet indicating the site location as well as the adjacent properties within 1,000 feet of the site boundaries.

1.2004.2 A boundary line survey of the site on which the work is to be performed.

1.2004.3 A plan of the site at a scale of 1 inch = 20 feet showing:

ARTICLE XX - GRADING AND SOIL EROSION CONTROL _____ 1.2000

- a. Name, address, and telephone number of the land owner, developer and petitioner.
- b. A timing schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- c. A verified statement of the quantity of excavation and fill involved.
- d. Existing and proposed topography at contour intervals of five feet.
- e. The location of any structure or natural feature on the site, on the land adjacent to the site, and within 500 feet of the site boundary line.
- f. Location of any proposed additional structures or development on the site.
- g. Elevations, dimensions, location, extent and the slope of all proposed grading.
- h. Plans of all drainage provisions, retaining walls, cribbing, planting, erosion control measures, or other temporary or permanent soil erosion control measures to be constructed in connection with the proposed work together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.
- i. Other information or data as may be required by the Zoning Administrator.

1.2005 FEES

At the time of filing an application for a grading permit, a filing fee to be set by the Township Board of Commissioners shall be paid to the Township Treasurer.

1.2006 DENIAL OF PERMIT

Grading permits shall not be issued where:

- 1.2006.1 The proposed work would cause hazards to the public safety and welfare.

ARTICLE XX - GRADING AND SOIL EROSION CONTROL _____ 1.2000

- 1.2006.2 The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property.
- 1.2006.3 The land area for which the grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or any other such hazard.

1.2007 GENERAL REQUIREMENTS

- 1.2007.1 Any earth changes shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation.
- 1.2007.2 All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures, in conformance with the Soil Erosion and Sedimentation Control Act of 1972 and all official rules of the Michigan Water Resources Commission promulgated pursuant thereto, which effectively reduce accelerated soil erosion.
- 1.2007.3 All earth changes shall be designed, constructed and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
- 1.2007.4 Measures shall be taken to minimize sediment from runoff water that will impact any stream or tributary on or adjacent to the site where earth changes are occurring.
- 1.2007.5 Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a nonerosive velocity.
- 1.2007.6 Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications as prescribed by the Michigan Water Resources Commission rules.

ARTICLE XX - GRADING AND SOIL EROSION CONTROL _____ 1.2000

1.2007.7 Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 30 calendar days after final grading of the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within 10 calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented.

1.2008 MAINTENANCE REQUIREMENTS

Persons carrying out soil erosion and sediment control measures under this section, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent erosion control measures, retaining walls, structures, planting and other protective devices.

1.2009 MINIMUM DESIGN STANDARDS FOR EROSION AND SEDIMENT CONTROL

All grading plans and specifications including extensions of previously approved plans shall include provisions for erosion and sediment control in accordance with, but not limited to, the standards contained in the Standards and Specifications for Soil Erosion and Sediment Control published by the Capitol Area Association of Soil Conservation Districts. Copies of said standards shall be available for inspection in the Office of the Township Clerk and the Zoning Administrator.

1.2201 PURPOSE

The purpose of a PUD is to permit and encourage design flexibility within the R-1 Rural Residential District, R-2 Medium Density Residential District, and R-3 Community Residential District. It has the potential of promoting a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space and utilities. It also is intended to minimize adverse environmental impacts by providing greater harmony with the existing physical characteristics of the area.

1.2202 SPECIAL USE PERMIT

A planned unit development shall be recognized as a special use and controlled by the procedures and requirements identified in Sections 1.2203 through 1.2207 for acquiring approval as a special use. Control of such development shall be the responsibility of the Township Planning and Zoning Commission.

1.2203 PROCEDURES FOR APPLICATION APPROVAL

The procedures for application and approval of a PUD permit shall include one or more informal pre-application conferences between the applicant and the Zoning Administrator and the Planning and Zoning Commission in which the applicant informs the Zoning Administrator and the Planning and Zoning Commission of his or her general intentions. After presentation and discussion of the concept plan, a preliminary development plan shall be filed with the Zoning Administrator for purposes of obtaining a special use permit during which time a public hearing will be scheduled commensurate with the criteria set forth in Article XIX. Following the public hearing, the Planning and Zoning Commission will submit its recommendations to the Township Board, which will approve, disapprove or approve with modification these recommendations during its next public meeting.

1.2204 CONCEPT PLAN REQUIREMENT

The applicant shall submit, during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation, commercial and industrial areas, if applicable; the conformity of the proposed development with surrounding uses; financing of the project; and all other information the Planning and Zoning Commission and Zoning Administrator may require to gain a satisfactory understanding of the proposed development.

1.2205 PRELIMINARY PLAN REQUIREMENTS

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The procedures for submission and approval of the preliminary plan shall follow those outlined in Article XIV of this Ordinance. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit. The preliminary plan must be more detailed than the concept plan and contain the information required of a site plan in Article XIV. It should also include:

- 1.2205.1 A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development, including physical, social and economic concepts; a schedule of development, including phasing of residential, public and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.
- 1.2205.2 Graphic presentation including a base map with topographic identification (using five feet contour intervals) and important environmental features including water bodies, vegetation (type and size) and soils. Additional maps shall contain proposed lot lines, location and floor area, dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and general description of the architectural and landscape elements within 300 feet of the planned development.
- 1.2205.3 Additional written information shall be contained in the preliminary plan, including tabulation of land area ratios, a comprehensive market analysis, environmental impact statements, and any contract and deeds of indenture between the developer and home buyer.

1.2206 PROCEDURES FOR FINAL PLAN

Once the preliminary plan has been submitted to the Township Planning and Zoning Commission and the special use permit approved, with or without recommended modifications and stipulations, the applicant must, within a period of six (6) months to one year, present a final development plan to the Township Planning and Zoning Commission, which shall review it within 30 days of receipt. The final plan shall not contain any modification which would

ARTICLE XXII - PLANNED UNIT DEVELOPMENT _____ 1.2200

substantially alter the character of the development from that approved in the preliminary plan.

1.2206.1 The final plan shall not deviate substantially from the approved preliminary plan if the following conditions have been met:

- a. The final plan does not violate the contents of the Ordinance;
- b. Land reserved for open space (common and usable) has not been reduced by more than ten percent;
- c. The total building coverage has not increased by more than ten percent.

1.2206.2 The final plan shall include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in general fashion in the preliminary stage shall be presented in detailed character in the final plan.

1.2206.3 Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easement agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

1.2206.4 The final development plan shall be reviewed by the Planning and Zoning Commission which shall then approve the final plan, disapprove it, or approve it with modifications. No public hearing is necessary, and if approval is given by the Planning and Zoning Commission, the Township Board shall accept and record site maps and plans, dedicated streets, properties, and open spaces, rights-of-ways, and any additional dedications within the development.

1.2206.5 If the plan is disapproved by the Planning and Zoning Commission, reasons for the denial shall become part of the public record as well as presented to the developer in written form.

1.2207 BOND REQUIREMENT

A performance bond or bank letter of credit conditioned upon construction and development in accordance with the approved plans shall be required by the Township Planning and Zoning Commission to be filed with the Township Clerk at the time of application for a building permit where the development is to be completed in phases over a period of years in such amounts and for such

periods as in the discretion of said Commission appears adequate to ensure compliance with the approved plans. Such a bond or letter of credit may also be required as security for the completion of any particular improvements upon which Commission approval is conditioned for the protection of natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalk, screening and drainage. Where a cash deposit is made in lieu of a bond or letter of credit, the Commission shall provide for a rebate of the same in reasonable proportion to the ratio of the work completed and for which the deposit has been required, provided that the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.

1.2208 DESIGN REQUIREMENTS

To ensure the desired performance, the following standards shall be adhere to:

- 1.2208.1 Density. Density increases may be allowed for PUD's over and above those allowed in the original Residential zones in which the PUD is located. The development shall not be allowed on any buildable site of less than ten (10) acres and it shall be controlled by one owner or group of owners, and be planned and developed as a single unit.
- 1.2208.2 Lot size variations. Lot sizes shall be computed using gross acreage computation. Land utilization for public utilities such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure. The result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the appropriate Residential district. The result will define the maximum residential units allowed.

Density increases are to be permitted for the following amenities:

- a. Improved and unimproved common open space;
 - 1. The first acre of common open space per 10 acres of gross area, if improved, permits a maximum building density increase of ten percent; if the first acre of common open space is unimproved, a 5 percent building density increase is allowed;

2. The second acre of common open space per ten acres of gross area, if improved, permits an additional maximum building density increase of five percent; if unimproved, a two percent increase in building density is allowed;
3. Each additional acre of common open space per ten acres of gross area, if improved, permits an additional maximum building density increase of three percent; if unimproved, one percent increase if allowed.

b. Character, identity, and architectural and siting variation incorporated in a development shall be considered cause for density increase not to exceed 15 percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve. Such variations may include, but are not limited to, the following:

1. Landscaping - (a maximum increase of 3%);
2. Visual focal points, use of existing physical features such as topography; view; sun and wind orientation; circulation patterns; physical environment; variation in building setbacks; and building groups (such as clustering) - (maximum increase of 7%);
3. Design features, street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features, and varied use of housing types - (maximum increase of 5%).

1.2208.3 Open space. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas, within residential developments. Open space shall be distinguished as private (for personal or family use) common (for use by all homeowners in the PUD) and public (open to all members of the general public).

a. The following open space requirements shall be adhered to in all PUDs, to provide for the integration of efficient and extensive areas into the existing open space system of the Township. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at

least 60 percent of the total gross area. Not less than 80 percent of the net area of the property shall be open space devoted to planting, patios, walkways, and recreational areas, but excluding areas covered by dwelling units, garages, carports, parking areas, or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways, and all other paved vehicular ways and facilities. At least 50 percent of the total area shall be devoted to such properly planned permanent usable open space. Common open space shall comprise at least ten percent of the gross area of the Planned Unit Development to be used for recreational, park, or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements.

- b. Active open spaces for recreational purposes should not be less than 22,000 square feet in area.
- c. Any portions of the PUD site, if deemed environmentally significant may, upon review by the Planning and Zoning Commission, be preserved in their natural state.

1.2208.4 Environmental design requirements. The Planning and Zoning Commission shall require the following: reasonable preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, floodplain preservation, and the planting of vegetation or placement of protective cover to minimize erosion resulting from residential development and consequent street and walkways.

1.2208.5 Traffic circulation. Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs shall not be connected with external streets to encourage through traffic. Emergency access and safety standards shall be adhered to.

1.2208.6 Private streets shall be designed to accommodate anticipated traffic loads including volume, vehicle weight and size, speed, emergency vehicles and turning radii. All private streets can deviate from existing public street standards, if upon recommendation by the Fire Chief and County Engineer, the

Planning and Zoning Commission authorizes such modifications within the PUD and health, safety and welfare requirements are met. For purposes of utility easements, all private streets in the PUD with underground utilities may be dedicated to the Township Board, at the discretion of the Township Board. All local streets shall have a minimum dedicated right-of-way width of sixty-six (66) feet.

- 12208.7 Parking standards. The following minimum parking requirements shall be adhered to:
- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than 300 square feet each;
 - b. Parking areas shall be arranged so as to prevent through traffic to other areas;
 - c. Off-street parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls;
 - d. No more than 12 off-street parking spaces shall be permitted in a continuous row without being interrupted by landscaping;
 - e. No more than 120 parking spaces shall be accommodated in any single parking area;
 - f. All streets and any off-street loading area shall be paved, and the design thereof shall be approved by the Planning and Zoning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage;
 - g. All parking shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
- 1.2208.8 Perimeter treatment. To provide adequate separation between the PUD and the surrounding community, a minimum fifteen (15) feet buffer zone shall be established on the perimeter of the development, in addition to the appropriate yard setback requirements for each lot as identified in the Schedule of Regulations; in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, these screening and landscaping requirements cannot be met, and adequate privacy and separation is not possible, the planning and

requirements established for the Zoning District in which the PUD is located. Those structures within this category shall be adequately screened or landscaped.

1.2209 GENERAL STANDARDS

The following general building and site standards shall be used in the determination of structural siting on lots to allow flexibility in design. Reduction of space requirements is based upon standards set forth in the appropriate existing residential zones.

1.2209.1 Building spacing: When the building is designed to provide adequate privacy to its residents, including adequate window space, there may be a reduction in the spacing of buildings. Those residences which have no windows or windows at higher levels and have adequate light and ventilation from other areas of the room, may decrease building space. Residences incorporating effective utility space in side yards shall be eligible for reduced separation between houses. Where building configurations incorporate the above criteria, and have unusual shapes, the spacing of structures may be reduced. Zero lot line configurations may be allowed if these requirements are met (unusual building shapes are not a prerequisite for zero lot line spacing).

1.2209.2 Front yard requirements: In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or interior room design minimizes use of the front yard, front yard requirements may be reduced.

1.2209.3 Lot width requirements: Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.

1.2209.4 Building heights: The maximum building height of a structure in the PUD shall conform to the requirements of the zone in which the PUD is located.

1.2210 AMENDMENT OF PUD PLAN

1.2210.1 A developer may request an amendment to an approved PUD plan. All amendments shall follow the procedures and conditions herein required for original submittal and review in full.

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- 1.2210.2 A request for amendment shall be made in writing to the Planning and Zoning Commission and shall clearly state the reasons therefore. Such reasons may be based upon changing social or economic conditions or potential improvements in layout mutually affecting the interest of the Township and developer such as technical causes, site conditions, state or federal projects and installations, and statutory revisions.
- 1.2210.3 The Planning and Zoning Commission, after the duly noticed public hearing, shall recommend whether the requested change is to be approved, modified, or denied. The burden shall be on the applicant to show good cause for any requested change.
- 1.2210.4 The Planning and Zoning Commission shall notify the Township Board and any other applicable agency of its recommendation for approval, modification, or denial of such changes. If the amendment is recommended for approval, the revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).
- 1.2210.5 The Planning and Zoning Commission shall then transmit the recommended revised drawings to the Township Board for its approval.
- 1.2210.6 Following official adoption of the amendment and enactment of the amending ordinance by the Township Board, the designated change shall become an amendment to the area plan.

1.2211 VIOLATIONS

- 1.2211.1 Any violation of such approved plan shall be grounds for the Zoning Administrator to order that all construction be stopped and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided.
- 1.2211.2 Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including any agreements and conditions attached to any approved plan, shall be considered a violation of this ordinance as provided in Article XXIX.

1.2301 CONDOMINIUM SUBDIVISION APPROVAL

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978 ,as amended, all condominium subdivision plans must be approved by the Planning and Zoning Commission.

1.2302 DEFINITIONS

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Control Act, P.A. 288 of 1967, and the Manlius Township Subdivision Control Ordinance.

- a. “Condominium Act” means Act 59 of 1978, as amended.
- b. “Condominium subdivision” shall be equivalent to the term “subdivision” as used in the Zoning Ordinance and the Subdivision Control Act of 1967.
- c. “Condominium subdivision plan” means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- d. “Condominium unit” means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- e. “Consolidating master deed” means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- f. “Contractible condominium” means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g. “Conversion condominium” means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

- h. “Convertible area” means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i. “Expandable condominium” means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- j. “Front yard setback” shall be equal to the distance between the front yard area line and the condominium dwelling.
- k. “Lot” shall mean the same as “Homesite” and “Condominium Unit.”
- l. “Master deed” means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- m. “Rear yard setback” shall be equal to the distance between the rear yard area line and the condominium dwelling.
- n. “Side yard setback” shall be equal to the distance between the side yard area line and the condominium dwelling.

1.2303 CONDOMINIUM PROJECTS

The following regulations shall apply to all condominium projects within the Manlius Township.

- 1.2303.1 Initial Information: Concurrently with notice required to be given Manlius Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - a. The name, address and telephone number of:
 - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each

entity's interest (for example, fee owner, optionee, or land contract vendee).

2. All engineers, attorneys, architects or registered land surveyors associated with the project.

3. The developer or proprietor of the condominium project.

b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

c. The acreage content of the land on which the condominium project will be developed.

d. The purpose of the project (for example, residential, commercial, industrial, etc.).

e. Approximate number of condominium units to be developed on the subject parcel.

f. Whether or not a community water system is contemplated.

g. Whether or not a community septic system is contemplated.

1.2303.2 Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 1.2805.

1.2303.3 Site Plans - New Projects Master Deed, and Engineering and Inspections:

a. Prior to recording to the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Article XIV of this Ordinance.

b. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and registered civil engineer retained by the Township regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

1.2304 CONDOMINIUM SUBDIVISION PLAN – REQUIRED CONTENT

1.2304.1 All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:

- a. A survey plan of the condominium subdivision.
- b. A floodplain plan, when appropriate.
- c. A site plan showing the location, size, shape, area and width of all condominium units.
- d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- e. A street construction, paving and maintenance plan or all private streets within the proposed condominium subdivision.
- f. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

1.2305 SITE PLANS – EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Article XIV of this Ordinance.

1.2305.1 Master Deed, Restrictive Covenants and “As Built” Survey to be Furnished.

- a. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an “as built survey.” The “as built survey” shall be reviewed by the Zoning Administrator or registered civil engineer retained by the Township for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.

1.2306 MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS:

1.2306.1 All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

- a. Monuments shall be located in the ground and made according to the following requirements, but is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- b. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of the streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- d. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof by clearly indicated on the plans and referenced to the true point.
- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a dept of at least eight (8) inches.
- f. All required monuments shall be placed flush with the ground where practicable.
- g. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- h. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or

irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount not less than twenty-five dollars (\$25.00) per monument and not less than one hundred dollars (\$100.00) in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

1.2307 MONUMENTS REQUIRED – ALL CONDOMINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 1.2306.1b. above.

1.2308 EASEMENT OF UTILITIES

The condominium subdivision plan shall include all necessary easements granted to the Manlius Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipe lines, mains, conduits and other installations of a similar character (hereinafter collectively called “public structures”) for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to such easement, and excavating and refilling ditches and trenches necessary for the location of such public structures.

1.2309 PRIVATE STREETS

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Allegan County Road Commission. In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete.

1.2310 ENCROACHMENT PROHIBITED

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

1.2311 RELOCATION OF BOUNDARIES

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator,

and this requirement shall be made part of the bylaws and recorded as part of the master deed.

1.2312 SUBDIVISION OF CONDOMINIUM UNITS

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

1.2313 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW

All condominium projects shall comply with Federal and State Statutes and local ordinances.

1.2313.1 State and County Approval: The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

1.2314 TEMPORARY OCCUPANCY

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

1.2315 CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND APPROVAL

All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of the Manlius Township Subdivision Control Ordinance. The requirements of final plat approval in Section 4.3 shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township Clerk to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the planning and Zoning Commission. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.

1.2401 PURPOSE

It is the purpose of this Article to provide regulations governing buildings, structures and uses of parcels, lots, buildings and structures which were legal before this ordinance was adopted or amended, including legal nonconforming uses, buildings and structures that would be prohibited, regulated or restricted. It is the intent of this Article to permit these buildings and structures and uses of parcels, lots, buildings and structures, referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared to be incompatible with the buildings and structures, and uses of parcels, lots, buildings and structures permitted by this ordinance in certain districts. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between those uses and the districts in which they are located.

1.2402 ALL NONCONFORMING USE OF PARCELS AND LOTS

Where, on the date of adoption or amendment of this ordinance, a lawful use of a parcel or lot exists, but is no longer permissible under the provisions of this ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

1.2402.1 All nonconforming uses shall be maintained in good condition.

1.2402.2 Nonconforming uses shall not be expanded or increased in intensity of use. For the purposes of this section increases in the intensity of use shall include, but shall not be limited to, activities such as the addition of one or more dwelling units, the provision of additional manufacturing storage or selling area, or the addition of facilities which would allow the establishment of another use or other uses.

1.2402.3 Nonconforming uses shall not be reestablished after discontinued use and/or abatement of use for a period of 240 consecutive days.

1.2403 NONCONFORMING STRUCTURES AND BUILDINGS

Nonconforming structures shall not be altered or expanded without the prior approval of the Planning and Zoning Commission, except that structural alterations or extensions which do not add to the bulk of structure or increase the intensity of use of the structure shall not require prior approval of the Planning/Zoning Commission.

1.2404 REESTABLISHMENT

Nonconforming structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure, if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the entire building or structure exclusive of foundations. In cases where the cost does exceed fifty (50) percent, the nonconforming structure shall not be replaced unless it shall comply with the provisions of this ordinance, except that if the building or structure is nonconforming due only to its having an insufficient setback or due to its being located on a site having a size, width (or both), less than prescribed in the applicable sections of this ordinance, it may be replaced if it complies with other regulations of this ordinance. The estimated expense of reconstruction shall be determined by the Manlius Township Zoning Administrator after consultation with the Allegan County Building Inspector. Persons aggrieved by the determination of the estimated replacement cost by the Zoning Administrator may appeal the determination to the Board of Appeals.

1.2405 NONCONFORMING LOTS OF RECORD

Notwithstanding limitations imposed by other provisions of this ordinance, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings or structures may be permitted on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as the date of adoption of this ordinance. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width (or both) of the lot shall conform to the regulations for the district in which the lot is located.