

Chapter 40 - ZONING

ARTICLE I. - IN GENERAL

Sec. 40-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Accessory building means a structure on the same lot with, and of a nature customarily incidental and subordinate, to the principal structure. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is less than 20 feet and the area connecting the principal building to the accessory building shares a common roof structure that blends with the design of the principal building and is constructed with the same or equivalent roofing materials as the accessory building or the principal building. This connection may be in the form of a covered breezeway, covered porch or common wall.

Accessory use. See Uses.

Accessory use of structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Alteration means that condition of construction whereby a structure is significantly changed in appearance or use.

Animals.

Domestic or customary household pets means animals, not of an exotic nature or usually meant for commercial purposes, which are owned primarily for the enjoyment and recreation of the owner. Domestic or customary household pets include small animals, including fish or fowl permitted in the house or yard and kept for company or pleasure; examples include domestic dogs, domestic cats, rabbits, domestic tropical birds, and domestic rodents.

Exotic pets means animals which are typically not recognized as domestic pets or animals usually meant for commercial purposes, and any poisonous or non-domesticated animal. Examples may include rattlesnakes, poisonous spiders or insects, large wild cats, wolves, elephants, etc.

Fur bearing means small animals generally recognized as commercially suitable for raising for their fur.

Livestock means any four-legged animal generally recognized as commercially suitable for agricultural production, such as horses, cows, pigs, sheep, goats, etc. The term "livestock," as used in this chapter, includes cattle, hogs, sheep, goats, horses, other four-legged animals, except for domestic pets and poultry of all kinds.

Poultry means any fowl or bird commercially suitable for agricultural production such as chickens, ducks, geese, ostriches, emus, etc.

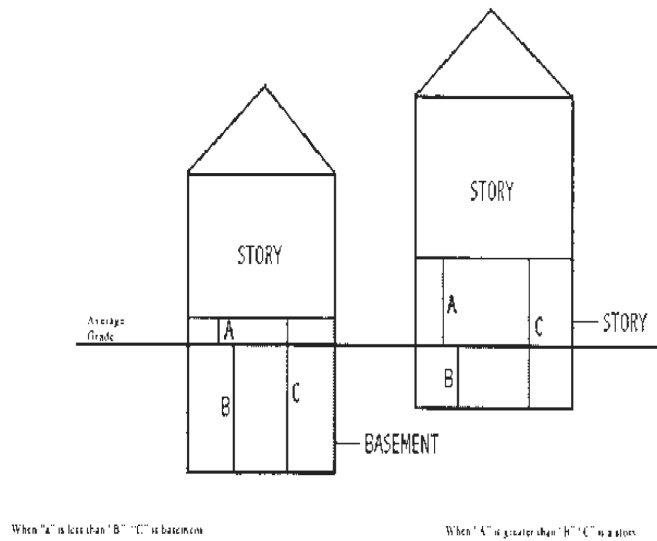
Antenna means any structure and addition to a structure primarily designed to be used for transmitting or receiving an electromagnetic signal or wave.

Appurtenant building. See Structures.

Area (lot). See Lot.

Average setback. See Setback.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

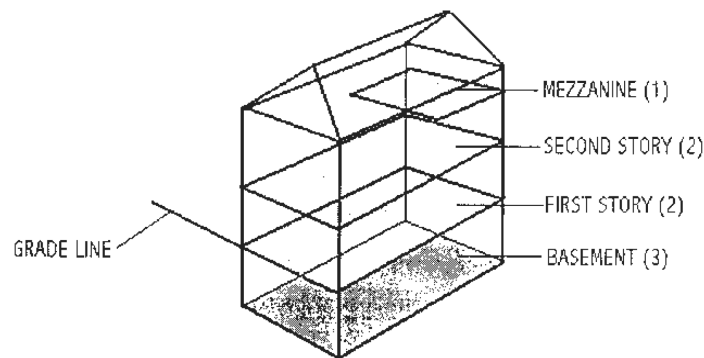


Belfry means a tower or steeple in which one or more bells are hung, typically constructed as part of a church structure.

Boat livery means a commercial enterprise engaged in the renting to the public of any watercraft.

Building. See *Structure*.

Buildable area means the portion of a lot remaining after required yards have been provided.



Building height means the vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, height may be measured from the average ground level of the grade at the building wall.

Bulk means the size and setback of buildings and structures, and the location of same in respect to one another, and included the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Floor area ratio;
- (4) All open space allocated to buildings; and
- (5) Amount of lot area and lot width provided per dwelling unit.

Carport means an open-sided structure for sheltering motor vehicles.

Commercial means that condition of a structure or use which is intended as a profit-making enterprise or use.

Commercial farming. See *Farming*.

Communication tower means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, antennas, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings and private and commercial mobile radio facilities. The following are not included within the term "communication tower": citizen band radio facilities; short-wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes, and government facilities which are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

Communication tower, co-location, means the location of two or more wireless communication providers of wireless communication antennas on a common structure, tower, or building in an effort to reduce the overall number of structures required to support wireless communication antennas within the community.

Condominium shall describe that form of ownership as defined in state law. The term "condominium" may also refer to a single unit of a condominium development and a townhouse.

Conformance means that condition which meets the current requirements of this chapter.

Construct(ion) means the act of adding to building or structure which requires a building permit or the act of building a new improvement on a vacant parcel or site, including the building of an accessory structure.

Cupola means a domed roof or ceiling, usually a small extension of the structure surmounting the roof of a principal structure.

Customary household pets. See *Animals*.

Deck, ground level, means a platform designed for human occupancy made of wood or other material, the top surface which is no higher than 12 inches above the average ground level.

Domestic pet. See *Animals*.

Drive-in restaurant or refreshment stand means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling means any building or portion thereof designed or used exclusively for a residence or sleeping place or one or more persons.

Dwelling, mobile home, means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Dwelling, multiple-family, means a building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in division 4 of article II.

Dwelling, sectional home, means dwelling made up of two or more modular units, factory fabricated and transported to the homesite where they are put on a foundation and joined to make a single house.

Dwelling, single-family, means a building having accommodations for, and occupied exclusively by, one-family.

Dwelling, two-family, means a building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in division 3 of article II.

Dwelling unit means one room or rooms connected together, constituting a separate, independent housekeeping establishment for one-family occupancy and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent sleeping facilities, cooking facilities, and sanitary facilities.

Erect means to construct. See *Construct*.

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Existing means that state or condition of being which predates the effective date of the ordinance from which this chapter is derived.

Family means "traditional family" or "functional family" as defined below:

Traditional family means an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.

Functional family means a collective number of individuals domiciled together in one dwelling whose relationship is of permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who in fact are cooking and living as a single, non-profit housekeeping unit.

Farming, commercial, means agricultural production intended for profit including the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and other similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The term "commercial farming" includes land use in federal acreage set-aside programs or a federal conservation reserve program but not the use management and harvesting of a wood lot.

FEMA means the Federal Emergency Management Agency.

Fence means a barrier erected, assembled, or planted for the purpose of confining within, impeding or controlling entrance, marking boundaries, decoration or screening all or part of a plot of land.

Fence, maintenance free, means a manmade fence that requires no painting or staining. Such fences include, but are not limited to, unpainted sealed treated wood, insect and rot resistant woods, vinyl, plastic, natural split rail, aluminum and vinyl coated materials. A cyclone (chain link) fence shall not be deemed to be a maintenance free fence unless it is coated with brown, black or dark green vinyl or comparable covering, including the fence posts and gates. A fence consisting of living plant material (e.g., a hedge) shall not be deemed a maintenance free fence. (See also *Fence*.)

Fence, opaqueness of, means the amount of solid material in the fence that does not allow light to pass through, obstructs sight, causes concealment, or creates obscurity.

Filling station.

(1) The term "filling station" means buildings and premises where gasoline, oil, grease, batteries, tires, and

automobile accessories may be supplied and dispensed at retail, and where other incidental services may be rendered and sales made.

- (2) Uses permissible at a filling station do not include major mechanical and body work, straightening body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

Floodplain district means the floodplain overlay district and shall be the designated regulatory floodplain.

Floor area means that, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas, and accessory structures.

Frontage, road. See *Road frontage*.

Fully improved. See *Improvement*.

General development plan means a plan approved through due process of law by the planning commission providing guide for the future land use and development of the township. The term "general development plan" may be referred to as the master plan, policy plan, land use plan, or another similar name.

Garage (private) means a portion of a building or a detached accessory structure used for parking motor vehicles, including, but not limited to, automobiles, trucks, recreational vehicles, boats, etc., and general storage. All sides and opening of the garage must be enclosed. All garages must have a concrete floor. A garage must have a door with a measurement of at least seven feet tall and eight feet wide.

Grade (adjacent ground level) means the lowest point of elevation of the finished surface of the ground, pavement, or sidewalk within a measurement of five feet of the structure.

Habitable means that portion which is intended for human occupancy or may be used by humans in a structure or dwelling.

Height means that point from the grade to the highest point of a story, as defined in this chapter.

Home occupation, major.

- (1) The term "home occupation, major" means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a permitted, accessory or appurtenant structure of a residential dwelling unit or of a farm and which does not alter the exterior of the property or adversely affect the general residential or agricultural use or character of the neighborhood. Major home occupations are evidenced by an increased amount of customer traffic, delivery or other vendor traffic, or other commercial activity which is not normally intended as a permitted use of the property, but which by their low level of activity or use do not adversely affect others.
- (2) Examples of major home occupations or businesses include the sales of any goods or the provision of services and include, but not limited, to sales of health products and vitamins, cookware, novelty items (typically made by the resident of the home occupation), barber and beauty shops, massage and physical therapy centers, doctors and dentist offices, offices of lawyers and similar professions, and other similar business. In such cases, these major home occupations, when allowed as special uses approved by the township board, shall be permitted unless and until the character of the use or the character of the neighborhood changes in such a manner and to such an extent that the use is no longer compatible. In that event, appropriate conditions may be placed on the business operation to assure compatibility of the business operations with neighborhood residential needs.

Home occupation, minor.

- (1) The term "home occupation, minor" means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- (2) Minor home occupations are characterized as computer and telephone-based businesses where there is no or limited customer or client traffic into the home occupation. Examples of minor home occupations include, but are not limited to, real estate agent, insurance sales agents, consultants, financial planner, stockbrokers, etc.

Household pets. See Animals.

Human occupancy means a condition whereby a structure is intended to be lived in or inhabited by human beings, whether on a permanent or temporary basis.

Improvement means to alter or change a use or structure from one of lesser importance to one of greater importance.

Fully improved means that condition of non-vacant land evidenced and generally recognized by being its highest and best use.

Partially improved means that condition of non-vacant land evidenced and generally recognized by being less than its highest and best use.

Unimproved land means that condition of land evidenced in general by being vacant with no structures.

Incidental use means a use which is dependent on or pertains to the principal or main use, and which may be considered an integral part of the primary use.

Kenel means any lot, premises, or portion thereof on which more than four dogs over six months of age are kept, or on which dogs are cared for or boarded for compensation or kept for sale.

Lands means any legally described parcel of land.

Livestock. See Animals.

Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot means, for the purposes of this chapter, a parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. The term "lot" includes the words plot and parcel. Such lot shall have frontage on a recorded public or private street. In no case of division or combination shall any new or residual lot or parcel be created which does not meet the minimum requirements of this chapter. In the situation of two adjacent and abutting nonconforming lots under single ownership and where, in combination both lots exceed the minimum lot size requirements of the zoning district in which the lot is located, both lots shall be considered a lot under the terms of this chapter.

Lot, zoning, means one or more lots or parcels of sufficient dimension and area to meet the minimum requirements of this chapter.

Lot coverage means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot frontage means the portion nearest the street except for lots in the waterfront overlay district abutting the water, where the front side is abutting the waters' edge. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition

of the term "Yards" in this section.

Lot line means the property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley; the lot line shall be deemed to the street or alley line.

Lot of record.

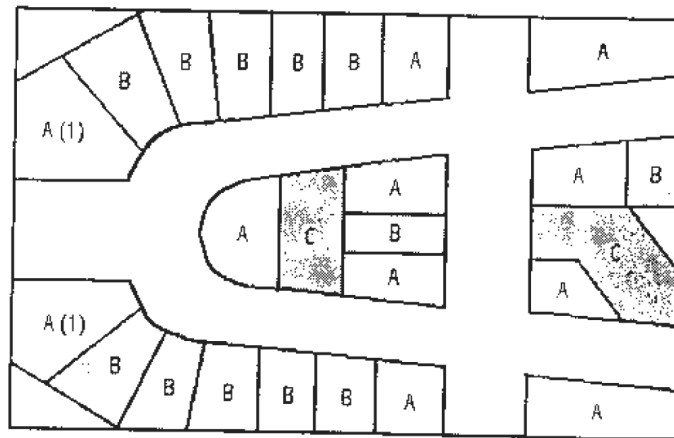
- (1) The term "lot of record" means a lot which is part of a subdivision or condominium recorded in the office of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded, or any lot created but not recorded by a land division which has received approval pursuant to the township land division chapter as of the date of the adoption of the ordinance from which this chapter is derived.
- (2) Every single-family, two-family, and multiple-family dwelling structure shall be located upon a lot of record as defined in this chapter, and no more than one such structure or unit shall be erected upon such lot of record.

Lot types. See diagram. In the diagram:

Lot Type A, a corner lot, is defined as a lot at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than 135 degrees. See lots marked A(1) in the diagram.

Lot Type B, an interior lot, is defined as a lot other than a corner lot with only one frontage on a street.

Lot Type C, a through lot, is defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots, when the address of the property is assigned to a through lot, the portion of the property that has the street address becomes the front yard of the property. The yard bordering the other street becomes the rear or back yard of the property.



Lot width means the horizontal distance between side lot lines, measured at the required front setback line.

Master deed means that legal document as defined under the Condominium Act, MCL 559.101 et seq.

MDEQ means the state department of environmental quality.

Mezzanine means an intermediate floor in any story occupying space not to exceed one-half of the floor area of such story.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Mobile home park means any parcel or tract of land licensed and regulated under provisions of the Mobile Home Commission Act, MCL 125.2301 et seq., under the control of any person, upon which three or more occupied mobile homes are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the harboring or occupancy of mobile homes.

Modular home means a premanufactured dwelling, consisting of an assembly of materials or products intended to comprise all or part of such dwelling and which is assembled at a site other than its use locations, except for incorporation with similar units at the use location for the formation of a single structure, and which meets all requirements of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 et seq., and which is certified and identified in accordance with MCL 125.1519 (premanufactured units). A modular home shall not exceed 20 feet in width.

Move means a condition of construction evidenced by a physical movement from one place to another of a structure or portion of a structure.

Nonconformance means that condition which does not meet the requirements of this chapter. See *Conformance*.

Open space means land which is vacant and not used for commercial agricultural production. The term "open space" may include parks, common areas in subdivisions or condominiums, or other similar types of land.

Outdoor sale means a sale of products or merchandise which is not held in a structure.

Ownership (held in one ownership) means that condition of equitable title or interest in more than one adjoining but separate and distinctly identifiable parcel or lot whereby ownership of one adjoining parcel or lot is held by one or more persons or other legal entities in the same proportions as another adjoining parcel or lot.

Park means an area of land which is used by the general public for entertainment or recreation. The term "park" may be privately or publicly owned.

Parking lot, off-street, means, for the purposes of this chapter, a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Partially improved. See *Improvement*.

Person means any individual, firm, partnership, limited liability corporation or corporation

Pets. See *Animals*.

Pools means artificial structures holding water meant for human recreation and enjoyment. The term "pools" includes generally recognized commercial in-ground, aboveground pools and hot tubs and spas. Pools may be publicly or privately owned.

Police firearms training facility means structures and all grounds, ranges, fields, platforms, berms and other equipment, facilities and property used or intended to be used for the training of police officers in the safe and proper use of firearms, including handguns, rifles, shotguns and similar tactical weapons.

Private road or street. See *Road*.

Principal, use. See *Use*.

Public road or street. See *Road*.

Public utility means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telegraph, transportation or water. Communication towers, as defined elsewhere in this chapter, is specifically excluded from the definition of the term "public utility."

Reconstruct means that condition of construction evidenced by the replacement or renovation of similar construction members of a structure.

Recreational vehicle means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Remove means that condition of construction evidenced by the complete elimination parts or the whole of a structure.

Retaining wall means a support wall no greater than four feet in height measured from the bottom of the footing to the top of the wall used to maintain the existing topography of the land and/or prevent soil erosion.

Restaurant means a building in which food is prepared and sold for consumption within the building, as opposed to a drive-in restaurant establishment where food may be taken outside of the building for consumption either on or off the premises.

Retail means the sale of goods or services directly to the consumer.

Road means an open paved or unpaved way or passage affording passage for people and vehicles.

Private road means any road that is not a "public road" as that term is defined in this section.

Public road means:

- (1) Any road regularly established in pursuance of existing laws;
- (2) All roads that shall have been used as public road for ten years or more regardless of whether a record or other proof exists that they were ever established as public roads; and
- (3) All roads that have been laid out though not recorded and that have been used eight years or more.

Road frontage means that dimension of a lot or parcel of property which adjoins a public or private road.

Roadside stand means a structure used or intended to be used solely by the householder, owner, or tenant of the parcel on which such structure is located for the sale of fresh agricultural products.

Setback means the distance as measured in a straight line from the nearest point of an existing or proposed structure to the nearest side, rear, or front lot or parcel line.

Setback line, existing, means an imaginary line, drawn parallel with the existing structure. That imaginary line is drawn so it passes through two points of the structure that are closest to the front, side, or rear lot or parcel line.

Setback line, occupied, means an imaginary line drawn parallel with the occupied portions of an existing dwelling. That imaginary line is drawn so it passes through two points of the occupied portion of the dwelling that are the closest to the front and side, or rear lot or parallel lines.

Setback line, required, means an imaginary line drawn parallel with the side, front, or rear lot or parcel line, a measured distance from the side, front, and rear lot parcel lines. The distance measured is determined by the zoning of each of lot or parcel, according to the requirements of that zoning district.

Shed, storage building, means any accessory use structure not intended for human habitation constructed, erected or installed on a zoning lot without a permanent or concrete floor foundation, which is exempted from the building permit requirement under the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 et seq. (i.e., an open or

enclosed structure or building containing no more than 120 square feet of floor area).

Shoreline means the junction of the water with land normally defined as the ordinary high-water mark or the elevation defined by applicable legal determination (e.g., Paw Lake legal water level 621.8 feet above datum).

Sign means the use of words, numerals, figures, designs, trademarks by which anything is made known or attracts attention to the subject matter, and the term "sign" includes any outdoor advertising of any kind, including its structure and component parts.

Sign, billboard, means a ground sign consisting of a panel for the display of advertisements. Billboard ground signs may only be located along I-94 Highway.

Sign, canopy, means an on-premises sign attached to or part of a canopy. A canopy is a covering that serves as a roof to shelter an area from the weather.

Sign, directional, means signs giving directional assistance for the convenience of the public when the direction of travel changes to a business or event within the township.

Sign, display surface, means the area made available to the sign structure for the purpose of displaying the advertising message.

Sign, electric sign, means any sign containing electrical wiring for any purpose inside or outside and connected to the sign of structure.

Sign, electronic message board, means a sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or uses electronic means to change the sign message. Electronic message boards include, but are not limited to, signs also known as electronic reader boards, electronic message center signs, tri-panel message systems, and commercial electronic-variable message signs (CEVMS). Electronic message signs are not considered flashing signs.

Sign, closed face, means a sign having a projected area exposed to the wind loads consisting of 50 percent or more of the gross area as determined by the overall dimensions.

Sign, combination, means a sign which combines the characteristics of two or more signs.

Sign, ground, means a sign which is supported by one or more poles, uprights, or braces anchored permanently into the ground or affixed to a permanent foundation, which are not part of a building.

Sign, marquee, means a sign attached to a marquee, canopy or any covered projection of a building.

Sign, mobile, means a sign or display for commercial, industrial, service, institutional or entertainment purposes that is designed and manufactured to be self-supporting, can be readily moved from place to place and does not need to be permanently affixed to the ground or a foundation.

Sign, number and surface area.

- (1) For the purpose of determining number of signs, a sign shall be considered to be a single-display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (2) The surface area of a sign shall be computed as including the entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frame and structural members not bearing advertising matter shall not be

included in computation of surface area.

Sign, on-premises, means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities offered or conducted on the premises.

Sign, off-premises, means a sign other than an on-site sign.

Sign, open face, means a sign in which at least 50 percent of its area is uncovered or open to the transmission of wind.

Sign, plaza, means a group of permanent or temporary signs consolidated on a single display advertising businesses or events within the township.

Sign, portable, means any sign which is designed for temporary use and intended to be moved evidenced by wheels, skid plates or other by any other means. For the terms of this chapter, any portable sign is a temporary sign.

Sign, projecting, means a sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom.

Sign, projecting encroaching, means a projecting sign that extends beyond the building line or over public property.

Sign, roof, means a sign which is erected, constructed or maintained on or above the roof of a building.

Sign, structure, means the supporting uprights, braces and framework of the sign.

Sign, temporary, means a sign, advertising banner, display advertising flags, or other advertising display constructed of cloth, paper, canvas, fabrics or other light, temporary material, with or without a frame intended to display for a limited period of time.

Sign, wall, means any sign attached to or placed flat against the wall or surface of any building.

Special land use. See *Use*.

Stable means a structure or use of a structure for the housing of animals.

Storage building. See *Shed*.

Story means that part of a building included between the surface of one floor and the surface of the next floor, or if no floor above, then the ceiling next above. A story, thus defined, shall not be counted as a story when more than 50 percent by cubic content is below the average height level of the adjoining ground.

Story, half, means an uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75 percent of the floor area of the story immediately below it and is not used or designed or arranged or intended to be used in whole or in part as an independent housekeeping unit or dwelling.

Street means a thoroughfare for vehicular traffic generally includes everything found within the right-of way.

Street line means the right-of-way line of a street or easement for ingress and egress.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, and poster panels. Fences and retaining walls shall not be deemed to be structures for purposes of the chapter.

Subdivision, mobile home means a subdivision as defined by the Land Division Act, MCL 560.101 et seq., which has been expressly established for the sole purpose of selling lots on which mobile homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the cited act and of all other applicable state, county, and township regulations.

Survey, "as built," means a drawing or survey certified by a licensed surveyor or engineer verifying the actual construction of a structure or placement of structures or other features on a property.

Trailer, coach, or travel trailer or motor home means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding 102 inches in width.

Unimproved. See Improvement.

Usable means (for the purpose of computing parking space) that area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers, and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators or stair bulkheads, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

Uses.

Accessory use means that use of a property which is clearly incidental and subordinate to the primary use of the property.

Principal use means that use of a property which is the most important and primary use of the property.

Special land use means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such land use may be permitted in such zoning district as special land use if specific provision for such special land use is made in this chapter.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Waterfront frontage means the distance of the shoreline measured between the side lot lines.

Waterfront overlay district description means all waterfront properties in township on Paw Lake, Little Paw Paw Lake, and the channels around the three islands in Paw Paw Lake. The waterfront overlay district also includes any and all properties that are so designated on the zoning map of the township.

Waterfront property description means one parcel of either individual or enjoined lots or parcels located in the WA Overlay Zoning District. A waterfront property is considered to end at the border of the property where it abuts or is in part bordered by a road or thoroughfare (usually referred to as the rear of a waterfront property). If one parcel of property is divided or separated by a road or thoroughfare, only the section of the property that has a shoreline on one or more sides of the property will be considered as waterfront property for purposes of this chapter. The other non-waterfront parcel, section, portion or part of the property will be required to adhere to the applicable ordinance requirements of the zoning district in which it is located and will not be subject to the 45-degree waterfront view requirement or the 45-degree waterfront view protection.

Wetlands means land designated by the MDEQ, including the wetland land areas only and not water.

Wholesale means the sale of goods or services to others who will sell directly to the consumer.

Yard.

Yard, front, means the area from the front lot or parcel line to the front setback line for the property with existing structures.

Yard, rear, means an area from the rear lot or parcel line to the rear setback line for property with existing structures.

Yard, side, means the area from the side setback line to the side lot or parcel line, between the front and rear setback lines for property with existing structures.

Yard front, waterfront district, means a yard adjoining a public body of water.

ZBA means the zoning board of appeals.

(Ord. No. 90, § 34.02, 12-24-2016)

Sec. 40-2. - Comprehensive review of chapter.

The planning commission shall from time to time, at intervals of not more than three years, examine the provisions of this chapter and the locations of district boundary lines and shall submit a report to the township board recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

(Ord. No. 90, § 35.01, 12-24-2016)

Sec. 40-3. - Regulations declared to be minimum requirements.

- (a) The regulations set by this chapter shall be minimum regulations and shall apply uniformly to all structures and lands within each district.
- (b) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or the one imposing the higher standards shall govern.

(Ord. No. 90, § 5.01, 12-24-2016)

Sec. 40-4. - Use of land or structures must comply with district regulations.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be erected or altered:

- (1) To exceed the height or bulk limitation contained herein;
- (2) To accommodate or house a greater number of families than allowed herein;
- (3) To occupy a greater percentage of lot area;
- (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or
- (5) In any other manner contrary to the provisions of this chapter.

(Ord. No. 90, § 5.02, 12-24-2016)

Sec. 40-5. - Cumulative counting of yard, open space, parking/loading space prohibited.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(Ord. No. 90, § 5.03, 12-24-2016)

Sec. 40-6. - Reduction of yards below minimum requirements prohibited.

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein.

(Ord. No. 90, § 5.04, 12-24-2016)

Sec. 40-7. - Essential services exemption.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention hereof to exempt such essential services from the application of this chapter. Essential services shall include municipal utility systems, telephone, television, cable-tv systems and the like but not communication towers or electric power generation stations elsewhere regulated.

(Ord. No. 90, § 5.05, 12-24-2016)

Sec. 40-8. - PUD approval required for site condominiums.

Any parcel of land currently recorded using a metes and bounds description proposed as a site condominium projects to be recorded pursuant to the Condominium Act, MCL 559.101 et seq., containing two or more units or lots shall apply for township zoning approval as a planned unit development pursuant to the provisions of article XI.

(Ord. No. 90, § 5.06, 12-24-2016)

Secs. 40-9—40-34. - Reserved.

ARTICLE II. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 40-35. - Creation of zoning districts.

For the purpose of regulating and restricting the location of various uses of land and the location of buildings, designated for specific uses, and also for the purpose of regulating and restricting the volume, height and area of buildings hereafter erected or altered, the following classes of districts are hereby created within the township:

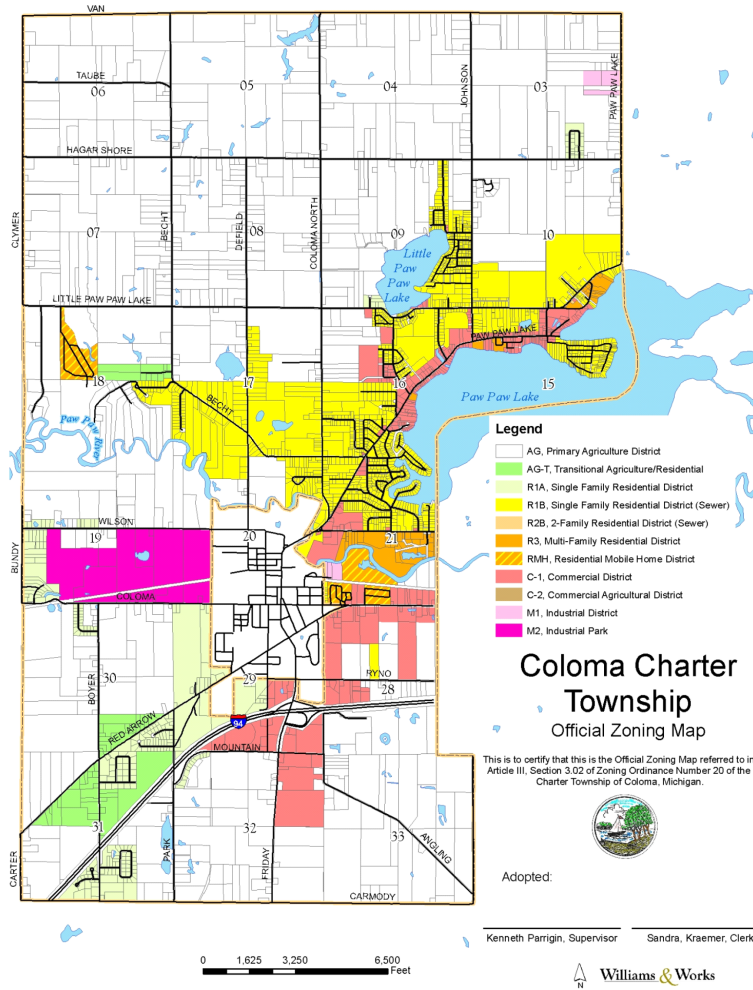
R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-2A	Two-Family Residential District

R-2B	Two-Family Residential District
R-3	Multifamily Residential District
RMH	Residential Mobile Home District
C-1	Commercial District
C-2	Commercial Agricultural District
M-1	Commercial-Industrial District
M-2	Industrial District
AG-T	Transitional Agricultural/Residential and Open Lands District
AG-P	Primary Agricultural District
F-OD	Floodplain Overlay District
WA	Waterfront Overlay District

(Ord. No. 90, § 3.01, 12-24-2016)

Sec. 40-36. - Official zoning map.

The township is divided into zones, or districts, as shown on the official zoning map, as adopted effective April 27, 2006, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this chapter; a copy of the map is attached hereto and made a part of this amendment.



(Ord. No. 90, § 3.02, 12-24-2016)

Sec. 40-37. - Certification of official zoning map.

The official zoning map shall be identified by the signature of the township supervisor, attested by the township clerk, and shall bear the seal of the municipality under the following words: "This is to certify that this is the official zoning map referred to in chapter 40 of the Code of Ordinances of Coloma Charter Township, " together with the date of the adoption of the ordinance from which this chapter is derived.

(Ord. No. 90, § 3.03, 12-24-2016)

Sec. 40-38. - Changes to the zoning map.

If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the township board. Any unauthorized change on the official zoning map by any person shall be considered a violation of this chapter and punishable as provided under section 40-932.

(Ord. No. 90, § 3.04, 12-24-2016)

Sec. 40-39. - District boundary lines on zoning map.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
- (6) Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- (7) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (8) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (7) of this section, the township board of appeals shall interpret the district boundaries.
- (9) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the township board may permit, as a special land use, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Ord. No. 90, § 4.01, 12-24-2016)

Sec. 40-40. - Boundary of floodplain overlay district.

Where uncertainty exists as to the boundaries of the floodplain overlay district the following rules shall apply:

- (1) Where disputes arise as to the location of the floodplain overlay district boundary or the limits of the floodway, the zoning board of appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the zoning board of appeals shall be based upon the most current floodplain studies issued by the FEMA. Where FEMA information is not available, the best available floodplain information shall be utilized. (See section 40-401.)
- (2) Where a dispute involves an allegation that the boundary is incorrect as mapped and FEMA floodplain studies are being questioned, the zoning board of appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the FEMA or MDEQ. (See section 40-402.)
- (3) All parties to a map dispute may submit technical evidence to the zoning board of appeals.

(Ord. No. 90, § 4.02, 12-24-2016)

Sec. 40-41. - Boundary of the waterfront overlay district.

Where disputes arise as to the location of the waterfront overlay district boundary or the limits, the zoning board of appeals shall resolve the dispute and establish the boundary location. (See section 40-441.) All parties to a map dispute may submit technical evidence to the zoning board of appeals.

(Ord. No. 90, § 4.03, 12-24-2016)

Sec. 40-42. - Table of zoning district regulations.

Zoning Districts	Minimum Lot Size And Dimensions		Minimum Yard Setback			Minimum Building Floor Area	Maximum Building Height		Maximum Building Coverage Of Lot
	Lot area (sq. ft./acres)	Road frontage (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)	(Sq. Ft.)	Stories	Feet	Percentage Total Lot Area
R-1A Single-Family Residential (d, e)	½ acre	100	30	30	10	1,000	2½	<u>35</u>	<u>35</u>
R-1B Single- Family Residential (d, e)	12,000	80	30	30	10	1,000	2½	<u>35</u>	<u>35</u>
R-2A Two-Family Residential (d, e)	24,000	100	30	50	10	1,750	2½	<u>35</u>	<u>35</u>
R-2B Two-Family Residential (d, e)	15,000	100	30	50	10	1,750	2½	<u>35</u>	<u>35</u>
R-3 Multifamily Residential (c, d, e)	24,000 (b)	160	25	50	15	NA	2½	<u>35</u>	<u>35</u>
RMH Mobile Home	10 acres	NA	NA	NA	NA	NA	NA	NA	NA
C-1 Commercial (a, d)	7,200	60	25	15	10	NA	2½	<u>35</u>	<u>35</u>
C-2 Commercial Agricultural (a, d, g)	1 acre	150	30	30	10	NA	2½ (f)	<u>35</u>	<u>35</u>
M-1 Commercial- Industrial (a)	20,000	100	25	30	10	NA	2	40	<u>35</u>

M-2 Industrial (a)	20,000	100	25	30	10	NA	2	40	<u>35</u>
AG-T Transitional Agricultural- Residential and Open Space	¾ acre	150	30	30	10	NA	2½	<u>35</u>	<u>35</u>
AG-P Primary Agricultural	2 acres	200	30	50	10	NA	2	40	<u>35</u>
F-OD Floodplain	See <u>division 12</u> of this article, floodplain overlay district, for specifications								
WA Waterfront Overlay	See <u>division 13</u> of this article, waterfront overlay district, for specifications								

Notes to table:

- a. Except for a single-family dwelling, the height of any other building or sign shall not exceed 50 percent of the horizontal distance to the nearest residential district boundary.
- b. The minimum lot size shall be increased by 2,000 square feet of land areas for each dwelling unit above two.
- c. In the R-3 residential and C-1 commercial districts, the minimum lot size increases to a minimum of one-half acre for any lot or parcel which does not have access to or is not within 300 feet of a municipal wastewater collection system. An application for an on-site water supply and wastewater disposal systems approved by the county health department shall be filed with the township zoning administrator prior to issuance of a building permit for construction of a building or structure use for human inhabitation or use of any type.
- d. The minimum first floor area of a one-story dwelling is 1,000 square feet. The minimum area of a 1½ story dwelling is 1,000 square feet on the first floor and a total of 1,350 square feet for both floors. The minimum area of a two-story dwelling is 800 square feet on the first floor, with a minimum total of 1,600 square feet on both floors. Accessory use structures must maintain a 20-foot setback from any dwelling. In the event the dwelling does not have an attached or unattached garage, the owner must erect a storage building measuring a minimum of eight feet by 12 feet.
- e. Residential storage shed buildings (120 square feet or less) are subject to a minimum three-foot rear and side yard setback requirement.
- f. The height restrictions of the C-2 district shall not apply to structures devoted exclusively to agricultural production, such as silos, barns, conveyors, etc.
- g. Single-family dwellings. Single-family dwellings and their accessory use structures in this district must adhere to the setback and minimum building floor area requirements of the R1-A district.

See section 40-485 for minimum residential building size requirements.

(Ord. No. 90, § 7.01, 12-24-2016)

Secs. 40-43—40-72. - Reserved.

DIVISION 2. - R-1A AND R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 40-73. - Intent.

The intent of this district is to provide for a suitable residential environment for families typically with children. To this end, uses are basically limited to single-family dwellings together with certain other uses such as schools, parks, and playgrounds, which provide a neighborhood environment. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses tending to be incompatible with the intent of this district are prohibited. R1-A represents lots not served by public sewers, and R1-B represents lots served by public sewers.

(Ord. No. 90, § 8.01, 12-24-2016)

Sec. 40-74. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for single-family dwelling and related purposes.

(Ord. No. 90, § 8.02, 12-24-2016)

Sec. 40-75. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with single-family dwelling uses and are limited to the following:

- (1) Private garage.
- (2) Garden house, tool house, playhouse, greenhouses.
- (3) Automobile parking for the domestic use of the dwelling unit.
- (4) Any use customarily incidental to the permitted principal use.
- (5) Private fenced-in swimming pool designed and operated only for occupants of principal buildings and their personal guests.
- (6) Minor home occupations.

(Ord. No. 90, § 8.03, 12-24-2016)

Sec. 40-76. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) Houses of worship, parish houses, and convents.
- (2) Schools.
- (3) Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic field stadiums, and community centers.

- (4) Municipal, state, or federal uses, public library, public museum, public utility building and essential services. (See se
- (5) Hospital, provided that the lot shall have 1,100 square feet for each bed in such hospital and precautions concerning building location and preservation of the character of the district are considered.
- (6) Cemeteries.
- (7) Nursing or convalescent home.
- (8) Major home occupations. (See article VI of this chapter.)
- (9) Carports.

(Ord. No. 90, § 8.04, 12-24-2016)

Sec. 40-77. - Building size, height, setbacks, and lot coverage regulations.

All principal permitted and accessory use building and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 8.05, 12-24-2016)

Sec. 40-78. - Outdoor storage.

Storage of any type, including trash cans, recycling receptacles, trailers, recreation equipment, yard maintenance equipment, firewood, trash and the like, is prohibited in the front yard between the street right-of-way line and the front building line. Regulations of this section are intended to require all storage to be located in the back (rear) yard and/or side yard behind the front building line of the principal permitted structure. (See section 40-453 for outdoor storage regulations in the WA Waterfront Overlay District.) A licensed commercial vehicle with a weight greater than 12,000 pounds gross vehicle weight (GVW) is prohibited from parking in this district.

(Ord. No. 90, § 8.06, 12-24-2016)

Sec. 40-79. - Signs.

One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district.

(Ord. No. 90, § 8.07, 12-24-2016)

Sec. 40-80. - Accessory buildings and storage sheds.

- (a) No accessory building shall be constructed in the front yard.
- (b) Accessory buildings must maintain a ten-foot setback from side and rear property lines and a 20-foot setback from any dwelling.
- (c) Storage sheds (120 square feet maximum) must maintain a three-foot setback from the side and rear property lines. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings shall not be greater than 14 feet in height.
- (e) Total height of accessory buildings from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet.
- (f) No more than two accessory buildings/sheds per parcel shall be installed or constructed in this district.

- (g) If a parcel is less 21,780 square feet (one-half acre), the total combined area of the accessory buildings shall not exceed square feet.
- (h) If a parcel is at least one-half acre (21,780 square feet) but less than one acre (43,560 square feet), the total combined area of the accessory buildings shall not exceed 864 square feet.
- (i) If a parcel is at least one acre but less than three, acres the total combined area of the accessory buildings shall not exceed 1,200 square feet.
- (j) If a parcel is at least three acres but less than five acres, the total combined area of the accessory buildings shall not exceed 1,800 square feet.
- (k) If a parcel is five acres or greater, the total combined area of the accessory buildings shall not exceed 2,400 square feet.
- (l) If an existing dwelling located in this district does not have an attached garage, the total combined area of the accessory building can be increased by 484 square feet.

(Ord. No. 90, § 8.08, 12-24-2016)

Secs. 40-81—40-103. - Reserved.

DIVISION 3. - R-2A AND R-2B TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 40-104. - Intent.

The intent of this district is to contribute to the diversification and variety of the community's housing stock at locations suitable for a residential environment. R-2A represents lots not served by public sewers, and R-2B represents lots served by public sewers.

(Ord. No. 90, § 9.01, 12-24-2016)

Sec. 40-105. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for two-family dwellings and permitted principal uses provided for in the R-1A and R-1B districts.

(Ord. No. 90, § 9.02, 12-24-2016)

Sec. 40-106. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with two-family dwelling uses and are limited to the following:

- (1) Private garage.
- (2) Garden house, tool house, playhouse, greenhouses.
- (3) Automobile parking for the domestic use of the dwelling unit.
- (4) Any use customarily incidental to the permitted principal use.
- (5) Private fenced-in swimming pool designed and operated only for occupants of principal buildings and their personal guests.
- (6) Minor home occupations.

(Ord. No. 90, § 9.03, 12-24-2016)

Sec. 40-107. - Uses requiring special land use permit.

All uses requiring a special land use permit listed in the R-1A and R-1B districts are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter.

(Ord. No. 90, § 9.04, 12-24-2016)

Sec. 40-108. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 9.05, 12-24-2016)

Sec. 40-109. - Outdoor storage.

Storage of any type, including trash cans, recycling receptacles, trailers, recreation equipment, yard maintenance equipment, firewood, trash and the like is prohibited in the front yard between the street right-of-way line and the front building line. Regulations of this section are intended to require all storage to be located in the back (rear) yard and/or side yard behind the front building line of the principal permitted structure. A licensed commercial vehicle with a weight greater than 12,000 pounds gross vehicle weight (GVW) is prohibited from parking in this district

(Ord. No. 90, § 9.06, 12-24-2016)

Sec. 40-110. - Signs.

One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district.

(Ord. No. 90, § 9.07, 12-24-2016)

Sec. 40-111. - Accessory buildings and storage sheds.

- (a) No accessory buildings shall be constructed in the front yard.
- (b) Accessory buildings must maintain a ten-foot setback from side and rear property lines and a 20-foot setback from any dwelling.
- (c) Storage sheds (120 square feet maximum) must maintain a three-foot setback from the side and rear property lines. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings shall not be greater than 14 feet in height.
- (e) Total height of accessory building from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet.
- (f) No more than two accessory buildings/sheds per parcel shall be installed or constructed in this district.
- (g) If a parcel is less than 21,780 square feet (one-half acre), the total combined area of the accessory buildings shall not exceed 576 square feet.
- (h) If a parcel is at least one-half acre (21,780 square feet) but less than one acre (43,560 square feet), the total

combined area of the accessory buildings shall not exceed 864 square feet.

- (i) If a parcel is at least one acre but less than three, acres the total combined area of the accessory buildings shall not exceed 1,200 square feet.
- (j) If a parcel is at least three acres but less than five acres, the total combined area of the accessory buildings shall not exceed 1,800 square feet.
- (k) If a parcel is five acres or greater, the total combined area of the accessory buildings shall not exceed 2,400 square feet.
- (l) If the dwelling located in this district does not have an attached garage, the total combined area of the accessory building can be increased by 484 square feet.

(Ord. No. 90, § 9.08, 12-24-2016)

Secs. 40-112—40-135. - Reserved.

DIVISION 4. - R-3 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 40-136. - Intent.

The intent of this district is to contribute to the diversification and variety of the community's housing stock at locations suitable for a higher density residential environment.

(Ord. No. 90, § 10.01, 12-24-2016)

Sec. 40-137. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for multifamily dwellings, including duplex and two-family dwelling units and permitted principal uses provided for in the R-1A and R-2A districts.

(Ord. No. 90, § 10.02, 12-24-2016)

Sec. 40-138. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with multifamily dwelling uses and are limited to the following:

- (1) Automobile parking for the domestic use of the dwelling unit.
- (2) Private fenced-in swimming pool designed and operated only for occupants of principal buildings and their personal guests.
- (3) Community garage serving as a parking facility for the tenants of the principal building, limited in size to 484 square feet per dwelling unit.
- (4) Maintenance and management building associated with multifamily dwellings.
- (5) Carports with an impervious floor, serving as a vehicle parking facility for the tenants of the principal building, limited to 242 square feet per dwelling.

(Ord. No. 90, § 10.03, 12-24-2016)

Sec. 40-139. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) All uses requiring a special land use permit listed in the R-1A or R-2A district.

(Ord. No. 90, § 10.04, 12-24-2016)

Sec. 40-140. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 10.05, 12-24-2016)

Sec. 40-141. - Outdoor storage.

Storage of any type, including trash cans, recycling receptacles, trailers, recreation equipment, yard maintenance equipment, firewood, trash and the like, is prohibited in the front yard between the street right-of-way line and the front building line. Regulations of this section are intended to require all storage to be located in the back (rear) yard or and side yard behind the front building line of the principal permitted structure. A licensed commercial vehicle with a weight greater than 12,000 pounds gross vehicle weight (GVW) is prohibited from parking in this district.

(Ord. No. 90, § 10.06, 12-24-2016)

Sec. 40-142. - Signs.

One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district.

(Ord. No. 90, § 10.07, 12-24-2016)

Sec. 40-143. - Accessory buildings and storage sheds.

- (a) No accessory buildings shall be constructed in the front yard.
- (b) Accessory buildings must maintain a ten-foot setback from side and rear property lines and a 20 foot setback from any dwelling.
- (c) Storage sheds (120 square feet maximum) must maintain a three-foot setback from the side and rear property lines. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings shall not be greater than 14 feet in height.
- (e) Total height of accessory building from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet.
- (f) No more than two accessory buildings/sheds per parcel shall be installed or constructed in this district.
- (g) The total combined area of the accessory buildings/sheds shall not exceed 864 square feet.

(Ord. No. 90, § 10.08, 12-24-2016)

Secs. 40-144—40-169. - Reserved.

DIVISION 5. - RMH RESIDENTIAL MOBILE HOME DISTRICT

Sec. 40-170. - Intent.

The mobile home district is for areas suitable for single-family residential mobile home use within mobile home parks approved pursuant to the Mobile Home Commission Act, MCL 125.2301 et seq., and regulations promulgated thereto by the state mobile home code commission. The regulations of this district are intended to require adequate space and facilities for healthful living conditions for occupants of such mobile home parks.

(Ord. No. 90, § 11.01, 12-24-2016)

Sec. 40-171. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for mobile home dwellings, and permitted principal uses contained in mobile home parks developed in accordance with the development standards promulgated by the state mobile home code commission.

(Ord. No. 90, § 11.02, 12-24-2016)

Sec. 40-172. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with single-family mobile home dwelling use and are limited to those expressly permitted by the state mobile home code commission.

(Ord. No. 90, § 11.03, 12-24-2016)

Sec. 40-173. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter, unless expressly permitted by the state mobile home code commission:

- (1) All uses requiring a special land use permit listed in the R-1A District.

(Ord. No. 90, § 11.04, 12-24-2016)

Sec. 40-174. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform with the development standards promulgated by the state mobile home code commission.

(Ord. No. 90, § 11.05, 12-24-2016)

Sec. 40-175. - Outdoor storage.

Storage of any type, including trash cans, recycling receptacles, vehicles of any type (except in a designated driveway/parking area as elsewhere required) trailers, recreation equipment, yard maintenance equipment, firewood, and the like, is prohibited in the front and yard between the street right-of-way line and the front building line, unless expressly permitted by development standards promulgated by the state mobile home code commission.

(Ord. No. 90, § 11.06, 12-24-2016)

Sec. 40-176. - Signs.

One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district, unless expressly permitted by the development standards promulgated by the state mobile home code commission.

(Ord. No. 90, § 11.07, 12-24-2016)

Secs. 40-177—40-205. - Reserved.

DIVISION 6. - C-1 COMMERCIAL DISTRICT

Sec. 40-206. - Intent.

The intent of this district is to encourage and facilitate the development and maintenance of sound and efficient shopping, business, and service areas, among such necessary regulation being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and for those uses that function better outside such areas.

(Ord. No. 90, § 12.01, 12-24-2016)

Sec. 40-207. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for commercial uses or other uses specified including:

- (1) Mercantile establishments for the sale of goods at retail or wholesale.
- (2) Personal service establishments such as barbershops and beauty shops, shoe repair shops, laundry and dry-cleaning shops and similar uses.
- (3) Professional service establishments such as offices of doctors, dentists, accountants, brokers, insurance representatives, computer sales and service, realtors and similar uses.
- (4) Funeral homes, clinics, medical centers, nursing homes, convalescent homes and similar uses.
- (5) Restaurants, delicatessens, drive-in restaurants, refreshment stands and other dispensaries of food at retail.
- (6) Banks, savings and loan associations, and similar financial institutions or offices.
- (7) Showrooms and workshops of plumbers, electricians, painters, printers, and similar tradesmen.
- (8) Private clubs and organizations operated not for profit.
- (9) Florist, floriculture, berry culture, or horticultural nursery for sale of goods at retail or wholesale provided minimal growing of products on site.
- (10) Single-family dwellings. Single-family dwellings and their accessory use structures in this district must adhere to the setback and other requirements of the R-1A (if not served by public sewer) or R-1B (if served by public sewer) district.

(Ord. No. 90, § 12.02, 12-24-2016)

Sec. 40-208. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those comparable with commercial uses and are limited to the following:

- (1) Uses customarily incidental to the permitted principal use.
- (2) A single-family dwelling unit occupied as an integral part of a commercial building.
- (3) Maintenance and management accessory buildings associated with the commercial permitted use.

(Ord. No. 90, § 12.03, 12-24-2016)

Sec. 40-209. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) Outdoor sales permitted for specified duration.
- (2) Outdoor recreation such as trampolines and miniature golf, subject to such operating and special regulations as may be imposed in the public interest, including overnight campgrounds for camping trailers, tents, and motor homes and motor vehicle racetracks.
- (3) Electric power generating stations of less than five-megawatt, electric power transformer stations and substations, gas regulator stations with service yards and telecommunication exchange facilities or antennas. The board of appeals, if required, may vary the area, height, bulk, and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district. The terms of the variance, if granted by the zoning board of appeals, shall be incorporated into the special land use permit if approved by the township board.
- (4) Public parking garage or parking lot for paid parking.
- (5) New and used car, mobile home, motor home, and travel trailer or recreational vehicle sales, service, or rental.
- (6) Office of veterinarian.
- (7) Day care centers and similar uses.
- (8) Off-street parking on property not contiguous, or on same side of street, for the use of customers of the requesting commercial business. The special use shall only be allowed when it is not possible for the business to provide contiguous off-street parking or when it is determined to be in the best safety and interest of the public.
- (9) Open-air markets, retail shops which make or fabricate merchandise for sale of same upon the premises.
- (10) Theaters, night clubs, bowling alleys, skating rinks, and similar places of entertainment or recreation.
- (11) Automobile service garages and filling stations, provided that all gasoline storage tanks must be underground; automotive parts and accessory shops; bicycle, motorcycle, and similar small recreational equipment sales, service, and repair shops.
- (12) Golf courses.
- (13) Any business establishment licensed state to dispense beer, wine, or other spirits for consumption on or off the premises.
- (14) Hotels, motels, lodginghouses, boardinghouses, tourist homes, and bed and breakfast inns.
- (15) Mini-warehouse storage facilities.
- (16) Marinas.
- (17) Other uses similar to permitted principal uses which the planning commission deems compatible with the

character and intent of the district.

(18) Communication towers pursuant to article VIII of this chapter.

(19) Showrooms and workshops of plumbers, electricians, painters, printers, and similar tradesman.

(20) Any permitted uses in the C-1 Commercial District not served by the township public sewer system.

(Ord. No. 90, § 12.04, 12-24-2016)

Sec. 40-210. - Outdoor storage screening and setback requirements.

All storage of materials or equipment shall be in an enclosed building or within fence not exceeding ten feet in height. The storage of bulk oil, gasoline, or chemicals shall be in facilities constructed in conformity with regulations of the state fire marshal, and all above ground storage shall be entirely enclosed within a building or substantial fence not less than six feet in height and located no closer than 500 feet distant from any residential district boundary.

(Ord. No. 90, § 12.05, 12-24-2016)

Sec. 40-211. - Abutting residential district setback requirements.

Where this district abuts a residential district along a common lot or property line, no building, storage, or commercial activity shall be located within 25 feet thereto; however, off-street parking of private passenger vehicles may be located not closer than ten feet thereto.

(Ord. No. 90, § 12.06, 12-24-2016)

Sec. 40-212. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 12.07, 12-24-2016)

Sec. 40-213. - Signs.

Two on-site ground signs in addition to marquee, canopy, directional, and wall signs are permitted for the purpose of advertising only the enterprise of the property on which the sign is located, provided that each individual sign conforms to the size and locations standards of section 40-55Z, and provided that the total area of all ground signs does not exceed 100 square feet of total combined sign area. If the planning commission determines a need, larger ground sign area, sign plaza, roof signs, and electronic message board ground signs may be allowed upon issuance of a special land use permit pursuant to article X of this chapter. Size, location and necessity shall be determined by the planning commission.

(Ord. No. 90, § 12.08, 12-24-2016)

Sec. 40-214. - Requirements for commercial use as a bed and breakfast.

A special land use permit is required for any building or structure to be used as a bed and breakfast operation located in the C-1 Commercial District. A bed and breakfast operation in the C-1 Commercial District shall conform to the following requirements in addition to any other requirements as so designated in the special land use permit:

(1) Number of sleeping rooms available to rent should be designated;

(2) Should consist of one building that provides bedroom, bath facilities, dining room, and one or more common

rooms for public gathering or conferences;

- (3) All parking must be in a designated area, and the number of parking spaces should not exceed 1½ the number of available sleeping rooms; and
- (4) The maximum stay period for guests should be limited to 90 days and be so publicly designated. This stipulation is intended so as to not permit the establishment to operate as multifamily residents.

(Ord. No. 90, § 12.09, 12-24-2016)

Sec. 40-215. - Accessory buildings and sheds.

- (a) No accessory building shall be constructed in the front yard.
- (b) Accessory buildings must maintain a ten-foot setback from side property lines, a 15-foot setback from the rear property lines and a 20-foot setback from the principle commercial structure.
- (c) Storage sheds (120 square feet maximum) must maintain a three-foot setback from the side and rear property lines, and not exceed nine feet in height to roof peak. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings shall not be greater than 14 feet in height.
- (e) Total height of an accessory building from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet in height.
- (f) No more than two accessory buildings/storage sheds per parcel shall be installed or constructed in this district.
- (g) The total square footage of the accessory buildings cannot exceed the square footage of the commercial structure.

(Ord. No. 90, § 12.10, 12-24-2016)

Secs. 40-216—40-238. - Reserved.

DIVISION 7. - C-2 COMMERCIAL AGRICULTURAL DISTRICT

Sec. 40-239. - Intent.

The intent of this district is to encourage and facilitate the development of commercial agricultural and agritourism businesses which support and enhance the agricultural land uses in the southern portion of the township and, more specifically in the area surrounding the Friday Road corridor. A primary objective of this district is to foster retail and service businesses that directly support existing and emerging agriculture in the vicinity and to direct other commercial and retail uses that do not provide such support to other, more appropriate areas of the township.

(Ord. No. 90, § 12A.01, 12-24-2016)

Sec. 40-240. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for the following uses:

- (1) Generally recognized commercial farming including, horticulture, nurseries, forestry, and similar agricultural use of land and structures; nor shall the disposal of garbage, sewerage, rubbish, offal or wastes from rendering plants, or uses judged by the zoning administrator to be similar thereto, be permitted in the C-2 district.
- (2) Mercantile establishments for the sale of goods at retail or wholesale, reflecting the agritourism setting of the district:

- a. Bakeries.
 - b. Confectionary retail.
 - c. Art galleries.
 - d. Antique retailers.
 - e. Craft and jewelry dealers f hobby shops.
 - f. Gift shops.
 - g. Tack shops.
 - h. Other retail/wholesale uses that are similar to the ones listed above.
- (3) Florist, floriculture, berry culture, or horticultural nursery for sale of goods at retail.
- (4) Open-air produce markets.
- (5) Craft, woodworking, jewelry and hobby shops which make or fabricate merchandise for sale on the premises and which may also make or fabricate goods for retail sale elsewhere.
- (6) Single-family dwellings. Single-family dwellings and their accessory use structures in this district must adhere to the setback and minimum building floor area requirements of the R-1A district.

(Ord. No. 90, § 12A.02, 12-24-2016)

Sec. 40-241. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those comparable with commercial uses and are limited to the following:

- (1) Uses customarily incidental to the permitted principal use.
- (2) A single-family dwelling unit occupied as an integral part of a commercial building.
- (3) Minor home occupations.

(Ord. No. 90, § 12A.03, 12-24-2016)

Sec. 40-242. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter; these uses are subject to such operating and special regulations as may be imposed in the public interest:

- (1) Restaurants, delicatessens, refreshment stands and other dispensaries of food at retail.
- (2) Temporary outdoor sales permitted for specified duration.
- (3) Outdoor recreation such as trampolines, miniature golf, overnight campgrounds for camping trailers, tents, and motor homes.
- (4) Any business establishment licensed state to make or dispense beer, wine, or other spirits for consumption on or off the premises.
- (5) Hotels, motels, lodginghouses, boardinghouses, tourist homes, and bed and breakfast inns.
- (6) Private stable for one horse, pony, or other four-legged livestock on a minimum of a three-acre zoning lot and providing at least one acre of pasture or fenced-in area per horse, pony, or other four-legged livestock and an additional one acre of pasture or fenced-in area for every additional horse, pony, or other four-legged livestock, thereafter. Structures housing horses, ponies or other livestock shall be located no closer than 50 feet from the

boundaries of the property and no closer than 150 feet from the nearest residential or commercial district. No piles or accumulation of refuse or manure shall be closer than 100 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and the generally accepted agricultural management practices promulgated thereto.

- (7) Flea markets.
- (8) Combinations of permitted or special land uses. The planning commission may approve as special land uses the use of a single parcel under single ownership by more than one related and mutually supportive use otherwise permitted in the C-2 district under section 40-240 or this section.
- (9) Major home occupations.
- (10) Other uses similar to permitted principal uses which the planning commission deems compatible with the character and intent of the district.

(Ord. No. 90, § 12A.04, 12-24-2016)

Sec. 40-243. - Outdoor storage screening and setback requirements.

All storage of materials or equipment shall be in an enclosed building or within a fence not ten feet in height. Storage of such material or equipment is not permitted in the front yard. Where this district abuts a residential dwelling along a common lot or property line, no building, storage, or commercial activity shall be located within 50 feet thereto; however, off-street parking of private passenger vehicles may be located not closer than ten feet thereto.

(Ord. No. 90, § 12A.05, 12-24-2016)

Sec. 40-244. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 12A.07, 12-24-2016)

Sec. 40-245. - Signs.

Two on-site ground signs in addition to marquee, canopy, directional, and wall signs are permitted for the purpose of advertising only the enterprise of the property on which the sign is located, provided that each individual sign conforms to the size and locations standards of section 40-557, and provided that the total area of all ground signs do not exceed 100 square feet of total combined sign area. Seasonal temporary on-premises signs announcing the availability of seasonal farm products are permitted.

- (1) The total area of all signs shall not exceed 64 square feet.
- (2) Signs shall not exceed eight feet in height.
- (3) Seasonal signs shall not be erected more than 15 days in advance of the harvest of the produce in question and shall be removed 30 days from the end of harvest.
- (4) All signs shall be neat in appearance, with consistent lettering size.

(Ord. No. 90, § 12A.08, 12-24-2016)

Sec. 40-246. - Requirements for commercial use as a bed and breakfast.

A special land use permit is required for any building or structure to be used as a bed and breakfast operation located in the C-2 Commercial District. A bed and breakfast operation in the C-2 Commercial District shall conform to the following requirements in addition to any other requirements as so designated in the special land use permit:

- (1) Number of sleeping rooms available to rent shall not exceed 12;
- (2) A bed and breakfast facility shall consist of one building that provides bedrooms, bath facilities, dining room, and one or more common rooms for guests;
- (3) All parking must be in a designated area, and the number of parking spaces shall not be less than one, nor shall it exceed 1½ spaces times the number of available sleeping rooms;
- (4) The maximum stay period for guests shall be limited to 90 days and be so publicly designated. This stipulation is intended so as to not permit the establishment to operate as a multifamily residence; and
- (5) The owner of the bed and breakfast facility shall also reside on site.

(Ord. No. 90, § 12A.09, 12-24-2016)

Sec. 40-247. - Accessory buildings and sheds.

- (a) No accessory buildings shall be located in the front yard.
- (b) Accessory buildings shall be located not less than ten feet from side property lines, 15 feet from the rear property lines and 20 feet from the principle commercial structure.
- (c) Storage sheds as defined herein shall be located not less than three feet from the side and rear property lines. Such storage sheds shall not exceed nine feet in height measured to the roof peak. Sheds may not have permanent foundations or concrete floors.
- (d) No more than two accessory buildings/storage sheds per parcel may be installed or constructed in this district.
- (e) The total square footage of the accessory buildings may not exceed the square footage of the commercial structure.
- (f) Accessory use structures for agricultural purposes fall under the setback requirements of the state Right to Farm Act, MCL 286.471 et seq. and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 12A.10, 12-24-2016)

Secs. 40-248—40-272. - Reserved.

DIVISION 8. - M-1 COMMERCIAL-INDUSTRIAL DISTRICT

Sec. 40-273. - Intent.

The intent of this district is to encourage and facilitate the development of mixed commercial and less intensive industrial enterprises in a setting conducive to public health; economic stability and growth; protection from blight, deterioration, and non-industrial encroachment; and efficient traffic movement, including employee and truck traffic. The area, height, bulk, and placement regulations reflect the intent of these districts. Land conducive to the intent of this district is limited in availability and is therefore primarily intended for industrial use, in the interest of the community's tax base and its economic growth and development.

(Ord. No. 90, § 13.01, 12-24-2016)

Sec. 40-274. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for commercial or industrial uses or other uses specified including:

- (1) All nonresidential permitted accessory uses listed in the C-1 Commercial District.
- (2) Generally recognized industrial warehousing, storage, manufacturing, or fabrication uses subject to the terms of this article. Manufacturing identified by the North American Industry Classification System formerly known as the Standard Industrial Classification Manual, Major Group 28. Chemicals and allied products are allowed only in the M-2 Industrial District by township board special land use permit.
- (3) Electric power generating stations of no more than five-megawatt, electric power transformer stations and substations, gas regulator stations with service yards, and telecommunication exchange facilities or antennas. The board of appeals, if required, may vary the area, height, bulk, and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district. The terms of the variance, if granted by the zoning board of appeals, shall be incorporated into the special land use permit if approved by the township board.

(Ord. No. 90, § 13.02, 12-24-2016)

Sec. 40-275. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with the commercial-industrial uses and are limited to the following:

- (1) Any use customarily incidental to the permitted principal use.
- (2) Enclosed storage for goods processed on the premises.
- (3) Living quarters for a watchman or caretaker employed on the premises.
- (4) Maintenance and management accessory buildings associated with the commercial-industrial permitted use.

(Ord. No. 90, § 13.03, 12-24-2016)

Sec. 40-276. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X:

- (1) All nonresidential permitted accessory uses listed in the C-1 Commercial District.
- (2) Communication towers pursuant to article VIII of this chapter.

(Ord. No. 90, § 13.04, 12-24-2016)

Sec. 40-277. - Outdoor storage screening and setback requirements.

All storage of materials or equipment shall be in an enclosed building or within a substantial fence not less than six feet in height. The storage of bulk oil, gasoline, or chemicals shall be in facilities constructed in conformity with regulations of the state fire marshal, and all above-ground storage shall be entirely enclosed within a building or substantial fence not less than six feet in height and located no closer than 500 feet distant from any residential district boundary.

(Ord. No. 90, § 13.05, 12-24-2016)

Sec. 40-278. - Abutting residential district setback requirements.

Where this district abuts a residential district along a common lot or property line, no building, storage, or industrial activity shall be located within 50 feet thereto; however, off-street parking of private passenger vehicles may be located not closer than ten feet thereto.

(Ord. No. 90, § 13.06, 12-24-2016)

Sec. 40-279. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 13.07, 12-24-2016)

Sec. 40-280. - Signs.

One on-site ground sign in addition to marquee, canopy, directional, and wall signs are permitted for the purpose of advertising only the enterprise of the property on which the sign is located, provided that each individual sign conforms to the size and locations standards of section 40-55Z, and provided that the total area of all ground signs do not exceed 200 square feet of total combined sign area. If the planning commission determines a need, larger ground sign area, sign plaza, roof signs, and electronic message board ground signs may be allowed upon issuance of a special land use permit pursuant to article X of this chapter. Size, location and necessity shall be determined by the planning commission.

(Ord. No. 90, § 13.08, 12-24-2016)

Sec. 40-281. - Accessory buildings and sheds.

- (a) Accessory buildings must maintain a ten-foot setback from the side property lines, a 30-foot setback from the front and rear property lines and a 20-foot setback from the principle commercial-industrial structure.
- (b) Storage sheds (120 square feet maximum) must maintain a ten-foot setback from the side and rear property lines. Sheds may not be placed in the front yard. Sheds may not exceed nine feet in height to the roof peak. Sheds may not have a permanent foundation or concrete floor.
- (c) Total height of the accessory building from the ground level to the highest point shall not exceed the height of the principal structure.
- (d) No more than two accessory buildings per parcel shall be installed or constructed in this district.
- (e) The total square footage of the accessory buildings cannot exceed the square footage of the principle commercial/industrial structure.

(Ord. No. 90, § 13.09, 12-24-2016)

Secs. 40-282—40-310. - Reserved.

DIVISION 9. - M-2 INDUSTRIAL DISTRICT

Sec. 40-311. - Intent.

The intent of this district is the same as the M-1 district; however, all development, except permitted principal and accessory uses in the M-1 Industrial District, are subject to issuance of a special land use permit by the township board. Heavier types of industries may be permitted in this district when they are located substantial distances from residential and more built-up areas. The intent of this district is to encourage and facilitate the development of commercial and industrial enterprises which are recognized to have more environmental impact and impact upon the quality of life than less intensive commercial and industrial uses and to provide a setting conducive to public health; economic stability and growth; protection from blight, deterioration, and non-industrial encroachment; and efficient traffic movement, including employee and truck traffic. The area, height, bulk, and placement regulations reflect the intent of these districts. Land conducive to the intent of this district is more limited in availability and is, therefore, primarily intended for industrial use, in the interest of the community's tax base and its economic growth and development.

(Ord. No. 90, § 14.01, 12-24-2016)

Sec. 40-312. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for permitted principal uses listed in the M-1 Industrial District.

(Ord. No. 90, § 14.02, 12-24-2016)

Sec. 40-313. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those permitted accessory uses listed in the M-1 Industrial District.

(Ord. No. 90, § 14.03, 12-24-2016)

Sec. 40-314. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) All nonresidential permitted accessory uses listed in the C-I Commercial District and M-I Commercial-Industrial District.
- (2) The following uses may only be permitted upon conclusive demonstration through specific plans that the proposed use shall not be obnoxious, hazardous, or detrimental to the public health, safety, and welfare; the principal structure containing such use shall not be located closer than 800 feet to a residential district: junk, scrap paper or rag baling or handling; poultry killing, dressing, or live storage; slaughterhouse; asphalt manufacturing or refining; boiler works, forge works, aluminum, brass, copper, iron, or steel foundry employing five or more workers; brick, tile, or terra cotta manufacture; celluloid manufacture or treatment; distillation of bones, coal tar, or wood; electroplating; fat rendering; glue, gelatin, or other such manufacture; lime, cement, or plaster of paris manufacture; molten bath plating; oil cloth or linoleum manufacture; plastic manufacture or articles there from; raw hides or skins or the storage, curing, or tanning thereof; rock crushing; rolling mills; rubber manufacture; slaughtering of animals or fowl; smelting of iron; soap manufacture; stockyards; tallow, grease, or lard manufacture or refining; tar waterproofing manufacture; yeast manufacture, food processing employing more than ten people; concrete ready-mix plants; or any similar uses.
- (3) Manufacturing of chemicals and allied products as identified in North American Industry Classification System formerly known as the Standard Industrial Classification Major Group 28.

- (4) Mining and quarrying of nonmetallic minerals, except fuels, as identified in North American Industry Classification S formerly known as the Standard Industrial Classification Major Group 14.
- (5) Communication towers pursuant to article VIII of this chapter.
- (6) Police firearms training facility.

(Ord. No. 90, § 14.04, 12-24-2016)

Sec. 40-315. - Outdoor storage screening and setback requirements.

All storage of materials or equipment shall be in an enclosed building or within a substantial fence not less than six feet in height. The storage of bulk oil, gasoline, or chemicals shall be in facilities constructed in conformity with regulations of the state fire marshal, and all above-ground storage shall be entirely enclosed within a building or substantial fence not less than six feet in height and located no closer than 500 feet distant from any residential district boundary.

(Ord. No. 90, § 14.05, 12-24-2016)

Sec. 40-316. - Abutting residential district setback requirements.

Where this district abuts a residential district along a common lot or property line, no building, storage, or industrial activity shall be located within 50 feet thereto; however, off-street parking of private passenger vehicles may be located not closer than ten feet thereto.

(Ord. No. 90, § 14.06, 12-24-2016)

Sec. 40-317. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42.

(Ord. No. 90, § 14.07, 12-24-2016)

Sec. 40-318. - Signs.

One on-site ground sign in addition to marquee, canopy, directional, and wall signs are permitted for the purpose of advertising only the enterprise of the property on which the sign is located, provided that each individual sign conforms to the size and locations standards of section 40-55Z, and provided that the total area of all ground signs do not exceed 200 square feet of total combined sign area. If the planning commission determines a need, larger ground sign area, sign plaza, roof signs, and electronic message board ground signs may be allowed upon issuance of a special land use permit pursuant to article X of this chapter. Size, location and necessity shall be determined by the planning commission.

(Ord. No. 90, § 14.08, 12-24-2016)

Secs. 40-319—40-339. - Reserved.

DIVISION 10. - AG-T TRANSITIONAL AGRICULTURAL/RESIDENTIAL AND OPEN LANDS DISTRICT

Sec. 40-340. - Intent.

The intent of this district is to conserve and enhance the low to moderate density rural residential use and agricultural use, and to enhance the preservation of open space, of substantial portions of the township that do now and, for a substantial period of time, should have such character. By conserving such character, the township and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas; protect a vital economic activity; and encourage and conserve portions of the countryside in an open and natural state. This district recognizes that lands within this district may be in transition from commercial production agriculture, as a primary use, to low density residential uses which typically will not be served by municipal water and sewer, and typically will border other existing or designated residential districts. It is the intent of this district to provide for a more orderly transition from one primary use to another primary use, agriculture to large lot single-family residential by designation applicable land areas bordering other residential districts.

(Ord. No. 90, § 15.01, 12-24-2016)

Sec. 40-341. - Right to conduct farming practices.

The right of the farmer to conduct farming operations allowed pursuant to the state Right to Farm Act, MCL 286.471 et seq., as they pertain to generally recognized commercial farming (i.e., fertilizing, spraying, cultivating, and all other operations incidental to the business of farming) are inherent in this district.

(Ord. No. 90, § 15.02, 12-24-2016)

Sec. 40-342. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for:

- (1) Generally recognized commercial farming including, horticulture, nurseries, forestry, and similar agricultural use of land and structures except a farm operated wholly or in part for the disposal of garbage, sewerage, rubbish, offal and wastes from rendering plants.
- (2) Single-family dwellings. Single-family dwellings and their accessory use structures in this district must adhere to the setback and other requirements of the R-1A district (if not served by public sewer) or R-1B district (if served by public sewer).

(Ord. No. 90, § 15.03, 12-24-2016)

Sec. 40-343. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those comparable with the agricultural intent of this district and are limited to the following:

- (1) All permitted accessory uses listed in the R-1A and R-1B residential districts.
- (2) One roadside sales stand conforming to the definition contained in section 40-1.

(Ord. No. 90, § 15.04, 12-24-2016)

Sec. 40-344. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) Private stable for one horse, pony, or other four-legged livestock on a minimum of a three-acre zoning lot and

providing at least one acre of pasture or fenced-in area per horse, pony, or other four-legged livestock and an additional one acre of pasture or fenced-in area for every additional horse, pony, or four-legged livestock, thereafter. Structures housing horses, ponies, or other livestock shall be located no closer than 50 feet from the boundaries of the property and no closer than 150 feet from the nearest residential or commercial district. No piles or accumulation of refuse or manure shall be closer than 100 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

- (2) Stables of horses for hire, mud runs, riding academies, private parks, gun clubs, golf courses and golf driving ranges, athletic and recreation clubs, cemeteries, raising of fur bearing animals, kennels, boat liveries, and similar uses. No piles or accumulation of refuse or manure shall be closer than 100 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.
- (3) Office of a veterinarian, animal clinic and similar uses.
- (4) Airplane landing fields and appurtenances.
- (5) Churches (including parish houses, houses of worship), and convents, schools, hospitals, clinics and similar institutional uses.
- (6) Minor home occupations within a single-family permitted principal use. (See article VI of this chapter.)
- (7) Major home occupations permitted within a single-family home or accessory building. (See article VI of this chapter.)
- (8) Governmental buildings, libraries, museums, public utility buildings.
- (9) Electric power generating stations of less than five megawatt, electric power transformer stations and substations, gas regulator stations with service yards and telecommunication exchange facilities. The township board of appeals, if required, may vary the area, height, bulk, and placement regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district. The terms of the variance, if granted by the zoning board of appeals, shall be incorporated into the special land use permit if approved by the township board.
- (10) Retail stores for agricultural products such as feed, fertilizer, seed, spray, and products used on the farm.
- (11) Bed and breakfast operations having no more than four units.
- (12) Seasonal farm labor housing, to be occupied during each year from March 1 to November 1 only, by seasonal farm laborers. The housing may be exempted by the township board from some requirements of the residential districts of this chapter as appropriate to the character of such use. The housing shall be furnished a safe and sanitary water supply and sewage facilities which shall also conform with all state and federal laws relating thereto.
- (13) Communication towers pursuant to article VIII of this chapter.

(Ord. No. 90, § 15.05, 12-24-2016)

Sec. 40-345. - Livestock accessory use building setback requirements.

All accessory buildings housing livestock shall be at least 50 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 15.06, 12-24-2016)

Sec. 40-346. - Building size, height, setbacks, and lot coverage regulations.

All principal permitted and accessory use building and structures constructed in this district shall conform to the district requirements set forth in section 40-42, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 15.07, 12-24-2016)

Sec. 40-347. - Signs.

- (a) Two on-premises ground signs in addition to marquee, canopy, directional, and wall signs for the purpose of advertising the farming enterprises of the property on which the sign is located are permitted, provided each individual sign conforms to the size and locations standards of section 40-557. The total area of all signs on the property shall not exceed 100 square feet. If a special land use permit is granted in this district, any signage must be included in the application and approved as part of the special use permit. Any existing uses in this district granted through a special land use permit is allowed one ground sign.
 - (1) The signs shall not exceed 16 square feet in area.
 - (2) The sign shall not exceed six feet in height.
- (b) On properties bordering I-94 Highway, one or more billboards may be allowed upon issuance of a special land use permit pursuant to article X of this chapter and meeting the standards of section 40-557. Such billboards, if allowed, shall be placed within 100 feet of the highway right-of-way.
- (c) Seasonal temporary on-premises signs announcing the availability of seasonal farm products are permitted.
 - (1) The total area of all signs shall not exceed 64 square feet.
 - (2) Signs shall not exceed eight feet in height.
 - (3) Seasonal signs shall not be erected more than 15 days in advance of the harvest of the produce in question and shall be removed 30 days from the end of harvest.
 - (4) All signs shall be neat in appearance, with consistent lettering size.

(Ord. No. 90, § 15.08, 12-24-2016)

Sec. 40-348. - Residential accessory buildings and storage sheds.

- (a) No accessory building shall be constructed in the front yard.
- (b) Accessory building must maintain a ten-foot setback from side and rear property lines and 20 feet from the dwelling.
- (c) Storage sheds (120 square feet or less) must maintain a three-foot setback from the side and rear property lines, and not exceed nine feet in height to roof peak. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings on property less than five acres shall not be greater than 14 feet in height.
- (e) Total height of accessory buildings on property less than five acres from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet in height.
- (f) No more than two accessory buildings/sheds per parcel shall be installed or constructed in this district on property less than five acres.
- (g) Accessory buildings must maintain a 20-foot distance from the dwelling. If the accessory building is placed closer to the dwelling than 20 feet, it must have a minimum of one-half inch drywall placed along the walls within 20 feet of the dwelling, this includes side walls and roof area for fire protection.
- (h) If a parcel is less than 21,780 square feet (one-half acre), the total combined area of the accessory buildings shall not

exceed 576 square feet.

- (i) If a parcel is at least one-half acre (21,780 square feet) but less than one acre (43,560 square feet), the total combined area of the accessory buildings shall not exceed 864 square feet.
- (j) If a parcel is at least one acre but less than three acres, the total combined area of the accessory buildings shall not exceed 1,200 square feet.
- (k) If a parcel is at least three acres but less than five acres, the total combined area of the accessory buildings shall not exceed 1,800 square feet.
- (l) If the dwelling located in this district does not have an attached garage, the total combined area of the accessory building can be increased by 484 square feet.
- (m) Accessory use structures for agricultural purposes fall under the setback requirements of the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 15.09, 12-24-2016)

Secs. 40-349—40-369. - Reserved.

DIVISION 11. - AG-P PRIMARY AGRICULTURAL DISTRICT

Sec. 40-370. - Intent.

The intent of this district is to conserve and enhance the low-density and productive, commercial agricultural use of substantial portions of the township that do now and, for a substantial period of time, should have such character. These areas are recognized as being economically viable for productive agricultural areas and should be preserved primarily for this function. By conserving such character, the municipality and other public agencies will realize economies in public expenditures through minimizing scattered demand for urban types and levels of services, utilities, and facilities in otherwise predominantly rural areas; protect a vital economic activity and encourage and conserve portions of the countryside in an open and natural state.

(Ord. No. 90, § 16.01, 12-24-2016)

Sec. 40-371. - Right to conduct farming practices.

The right of the farmer to conduct farming operations allowed pursuant to the state Right to Farm Act, MCL 286.471 et seq., as they pertain to generally recognized commercial farming (i.e., fertilizing, spraying, cultivating, and all other operations incidental to the business of farming, are inherent in this district).

(Ord. No. 90, § 16.02, 12-24-2016)

Sec. 40-372. - Permitted principal uses.

Land, buildings or structures in this zoning district may only be used for:

- (1) Generally recognized intensive, commercial farming, including livestock and poultry raising, dairying, and similar agricultural use of land and structures, except a farm operated wholly or in part for the disposal of garbage, sewerage, rubbish, offal, and wastes from rendering plants. No piles or accumulation of refuse or manure shall be closer than 100 feet from any property line of the parcel.

- (2) Single-family dwellings. Single-family dwellings and their accessory use structures in this district must adhere to the and other requirements of the R-1A district (if not served by public sewer) or R-1B district (if served by public sewer)

(Ord. No. 90, § 16.03, 12-24-2016)

Sec. 40-373. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to those compatible with the agricultural intent of this district and are limited to the following:

- (1) All permitted accessory uses listed in the R-1A and R-1B residential districts.
- (2) One roadside sales stand conforming to the definition contained in section 40-1.
- (3) Seasonal farm labor housing, to be occupied each year from March 1 to November 1 only, by seasonal farm laborers. The housing may be exempted by the planning commission from some requirements of the residential districts of this chapter as appropriate to the character of such use. The housing shall be furnished a safe and sanitary water supply and sewage facilities which shall also conform to all State and Federal laws relating thereto.
- (4) Minor home occupations within a single-family permitted principal use. (See article VI of this chapter.)
- (5) Private stable for one horse, pony, or other four-legged livestock on a minimum of a three-acre zoning lot and providing at least one acre of pasture or fenced-in area per horse, pony, or other four-legged livestock and an additional one acre of pasture or fenced-in area for every additional horse, pony, or four-legged livestock, thereafter. Structures housing horses, ponies, or other livestock shall be located no closer than 50 feet from the boundaries of the property and no closer than 150 feet from the nearest residential or commercial district. No piles or accumulation of refuse or manure shall be closer than 100 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 16.04, 12-24-2016)

Sec. 40-374. - Uses requiring special land use permit.

The following uses are permitted in this district subject to obtaining a special land use permit from the township board pursuant to article X of this chapter:

- (1) Stables of horses for hire, mud runs, riding academies, livestock competition and shows, rodeos, private parks, gun clubs, golf courses, golf driving ranges, cemeteries, raising of fur-bearing animals, kennels, boat liveryes, and similar uses, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.
- (2) Office of a veterinarian, animal clinic, and similar uses.
- (3) Airplane landing fields and appurtenances.
- (4) Churches, schools, hospitals, clinics, and similar institutional uses.
- (5) Major home occupations permitted within a single-family home or accessory building. (See article VI of this chapter.)
- (6) Governmental buildings, libraries and museums.
- (7) Electric power generating stations of less than five-megawatt, electric power transformer stations and substations, gas regulator stations with service yards, pumping stations, and telecommunication exchange facilities or antennas. The township board of appeals, if required, may vary the area, height, bulk, and placement

regulations as reasonably necessary for the public convenience and service, and reasonably compatible with the intent and character of the district. The terms of the variance, if granted by the zoning board of appeals, shall be incorporated into the special land use permit if approved by the township board.

- (8) The land application of human waste seepage from onsite systems, sludge from municipal waste treatment plants or agricultural husbandry operation permitted by permit issued by the MEQD or state department of agriculture.
- (9) Mining and quarrying of nonmetallic minerals permitted pursuant to article VII of this chapter, except fuels as identified in the North American Industry Classification System formerly known as the Standard Industrial Classification Manual, Major Group 14.
- (10) Retail stores for agricultural products such as feed, fertilizer, seed, spray, and products used on the farm. No external storage is allowed that will have a detrimental effect upon the surrounding area.
- (11) Churches (including parish houses, houses of worship), and convents, schools, hospitals, clinics and similar institutional uses.
- (12) Communication towers pursuant to article VIII of this chapter.
- (13) Police firearms training facility.

(Ord. No. 90, § 16.05, 12-24-2016)

Sec. 40-375. - Livestock accessory use building setback requirements.

All accessory buildings housing livestock shall be at least 50 feet from any property line of the parcel, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 16.06, 12-24-2016)

Sec. 40-376. - Building size, height, setbacks, and lot coverage regulations.

All permitted principal and accessory use buildings and structures constructed in this district shall conform to the district requirements set forth in section 40-42, unless regulated by the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 16.07, 12-24-2016)

Sec. 40-377. - Signs.

- (a) Two on-premises ground signs in addition to marquee, projecting roof, directional, and wall signs for the purpose of advertising the farming enterprise of the property on which the sign is located are permitted, provided that each individual sign conforms to the size and locations standards of section 40-557. The total area of all signs on the property shall not exceed 100 square feet.
- (b) If a special land use permit is granted in this district, any signage must be included in the application and approved as part of the special use permit. Any existing uses in this district granted through a special land use permit is allowed one ground sign.
 - (1) The signs shall not exceed 16 square feet in area.
 - (2) The sign shall not exceed six feet in height.
- (c) On properties bordering I-94 Highway, one or more billboards may be allowed upon issuance of a special land use permit pursuant to article X and meeting the standards of section 40-557. Such billboards, if allowed, shall be placed

within 100 feet of the highway right-of-way.

- (d) Seasonal temporary on-premises signs announcing the availability of seasonal farm products are permitted.
- (1) The total area of all signs shall not exceed 64 square feet.
 - (2) Signs shall not exceed eight feet in height.
 - (3) Seasonal signs shall not be erected more than 15 days in advance of the harvest of the produce in question and shall be removed 30 days from the end of harvest.
 - (4) All signs shall be neat in appearance, with consistent lettering size.

(Ord. No. 90, § 16.08, 12-24-2016)

Sec. 40-378. - Residential accessory buildings and storage sheds.

- (a) No accessory buildings shall be constructed in the front yard on property less than five acres.
- (b) Accessory buildings must maintain a ten-foot setback from side and rear property lines, and 20 feet from the dwelling.
- (c) Storage sheds (120 square feet or less) must maintain a three-foot setback from the side and rear property lines, and not exceed nine feet in height to roof peak. Sheds may not have permanent foundations or concrete floors.
- (d) Support walls for accessory buildings on property less than five acres shall not be greater than 14 feet in height.
- (e) Total height of accessory buildings on property less than five acres from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet in height.
- (f) No more than two accessory buildings/sheds per parcel shall be installed or constructed in this district on property less than five acres.
- (g) Accessory buildings must maintain a 20-foot distance from the dwelling. If the accessory building is placed closer to the dwelling than 20 feet, it must have a minimum of one-half inch drywall placed along the walls within 20 feet of the dwelling, this includes side walls and roof area for fire protection.
- (h) If a parcel is less than 21,780 square feet (one-half acre), the total combined area of the accessory buildings shall not exceed 576 square feet.
- (i) If a parcel is at least one-half acre (21,780 square feet) but less than one acre (43,560 square feet), the total combined area of the accessory buildings shall not exceed 864 square feet.
- (j) If a parcel is at least one acre but less than three acres, the total combined area of the accessory buildings shall not exceed 1,200 square feet.
- (k) If a parcel is at least three acres but less than five acres, the total combined area of the accessory buildings shall not exceed 1,800 square feet.
- (l) If the dwelling located in this district does not have an attached garage, the total combined area of the accessory building can be increased by 484 square feet.
- (m) Accessory use structures for agricultural purposes fall under the setback requirements of the state Right to Farm Act, MCL 286.471 et seq., and generally accepted agricultural management practices promulgated thereto.

(Ord. No. 90, § 16.09, 12-24-2016)

Secs. 40-379—40-399. - Reserved.

DIVISION 12. - FO-D FLOODPLAIN OVERLAY DISTRICT

Sec. 40-400. - Intent.

It is the intent of this district to significantly reduce hazards to persons and damage to property as a result of flood conditions in the township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by FEMA, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.

(Ord. No. 90, § 17.01, 12-24-2016)

Sec. 40-401. - Delineation of the floodplain overlay district.

The floodplain overlay district shall overlay existing zoning districts delineated on the official township zoning map. The boundaries of the floodplain overlay district shall coincide with the boundaries of the area indicated as within the limits of the 100-year flood boundary on the applicable flood insurance rate, flood boundary, and floodway maps. The boundaries designate a regulatory floodplain and shall coincide with the 100-year flood boundary indicated on the flood boundary and floodway map. The FEMA community panel maps for township are adopted by reference, appended, and declared to be a part of this article.

(Ord. No. 90, § 17.02, 12-24-2016)

Sec. 40-402. - Interpretation of floodplain boundary.

Where there are disputes as to the location of a floodplain overlay district boundary, the zoning board of appeals shall resolve the dispute in accordance with section 40-40.

(Ord. No. 90, § 17.03, 12-24-2016)

Sec. 40-403. - Regulations supplemental to underlying zoning district regulations.

In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this article shall be necessary for all development occurring within the floodplain overlay district. Conflicts between the requirements of this article and other requirements of this chapter or any other ordinance shall be resolved in favor of this article, except where the conflicting requirement is more stringent and would further the objectives of this article. In such cases the more stringent requirement shall be applied.

(Ord. No. 90, § 17.04, 12-24-2016)

Sec. 40-404. - Permitted principal uses.

Notwithstanding any other provisions of this chapter, no building or structure shall be erected, converted or structurally altered, and no land or structure shall be used in the regulatory floodplain except for one or more of the following uses:

- (1) Gardening, horticulture, open recreational uses such as parks, playgrounds, play fields, athletic fields, golf courses, bridle trails, and nature paths.
- (2) In the area outside the 100-year flood boundary, uses permitted by the zoning district otherwise established for the lot, subject to the regulations of such district; provided, however, that the elevation of the lowest floor designed or intended for human use or habitation, including basements, shall be at least three feet above the

elevation of the nearest point of the 100-year flood boundary designated on the zoning map.

- (3) In the area below the 100-year flood boundary, land may be used to supply open space or lot area requirements of a lot partially located outside; provided, however, that no building or structure shall be located within the 100-year flood boundary. In agricultural districts, land below the 100-year floodplain may also be used for agricultural purposes otherwise permitted by the regulations of the agricultural district.

(Ord. No. 90, § 17.05, 12-24-2016)

Sec. 40-405. - Off-street parking permitted as an accessory use within floodplain.

Within the 100-year flood boundary, off-street parking is permitted as a use accessory to a principal use outside the 100-year flood boundary on the same lot. However, no building, structure, or equipment other than boundary monuments is permitted within the 100-year flood boundary as an accessory use.

(Ord. No. 90, § 17.06, 12-24-2016)

Sec. 40-406. - Permitted accessory uses.

Accessory uses or accessory use structures are limited to the following:

- (1) In the area within the 100-year flood boundary, dumping or backfilling with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and all applicable state regulations are satisfied.
- (2) In the area within the 100-year flood boundary, the construction or location of bridges, outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause an increase in water surface elevation, obstruct flow, or reduce impoundment capacity of the floodplain. In addition, all equipment shall be anchored to prevent flotation and lateral movement.

(Ord. No. 90, § 17.07, 12-24-2016)

Sec. 40-407. - Engineering report required for approval of special use.

Approval of a special use permit as provided in article X of this chapter shall be subject to an engineering finding by a registered engineer that the requirements of section 40-404, 40-405 or 40-406 are satisfied.

(Ord. No. 90, § 17.08, 12-24-2016)

Sec. 40-408. - Permit required for all construction and development.

No building or structure shall be erected, converted, or structurally altered or placed, and no land filled or structure used in a floodplain district, unless a permit therefore shall have first been obtained from the township zoning administrator after due compliance is shown with all township ordinances, state statutes, and federal regulations.

(Ord. No. 90, § 17.09, 12-24-2016)

Sec. 40-409. - Utilities required to minimize floodwater infiltration.

All on-site new and replacement water and sewer systems and appurtenances in the floodplain shall be located and designed to minimize infiltration of floodwaters and constructed to state or county health department standards so as to avoid impairment that might otherwise result from flooding.

(Ord. No. 90, § 17.10, 12-24-2016)

Sec. 40-410. - MDEQ permit required to alter watercourse.

No alteration of any watercourse in the floodplain overlay district is undertaken unless and until neighboring communities and the MEDQ shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. Such plans shall show full compliance with local ordinances, state statutes, rules established by state regulatory agencies, and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered watercourse.

(Ord. No. 90, § 17.11, 12-24-2016)

Sec. 40-411. - Penalties for violation of floodplain regulations.

Any building or structure which is erected, altered, maintained or changed in violation of any provision of this chapter is declared to be a nuisance per se. The township board and the duly authorized attorney for the township and the prosecuting attorney for the county may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance, or use of lands in the floodplain overlay district.

(Ord. No. 90, § 17.12, 12-24-2016)

Sec. 40-412. - Disclaimer of liability for floodplain regulations.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Floodplain heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This article does not imply that areas outside the flood hazard area will be free from flood damage. This article does not create liability on the part of the township or any officer or employees thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 90, § 17.13, 12-24-2016)

Sec. 40-413. - Signs.

One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district.

(Ord. No. 90, § 17.14, 12-24-2016)

Secs. 40-414—40-439. - Reserved.

DIVISION 13. - WA WATERFRONT OVERLAY DISTRICT

Sec. 40-440. - Intent.

The purpose of the waterfront overlay district is to establish requirements for properties located in the waterfront overlay district that are free from other uses, except those which are normally accessory to and compatible with, the various types and compositions of land use in areas where a combination of residential and commercial land use co-exist, and that are near lakes and other surface water features. The size of lots, parcels, and structures, and commercial uses should be planned to be of such area, size, and design so they can sustain healthful sanitary conditions, preserve the water quality, maintain the qualities of the waterfront natural resources and shoreline, and ensure that commercial use is compatible with the residential use within the district. (See section 40-1 for the definition of "waterfront" and "waterfront properties.")

(Ord. No. 90, § 18.01, 12-24-2016)

Sec. 40-441. - Description of the district.

The waterfront overlay district consists of all waterfront properties in township on Paw Paw Lake, Little Paw Paw Lake, and the channels around the three islands in Paw Paw Lake. The waterfront overlay district also includes all properties that are between the Paw Paw Lake shoreline and the property boundary of properties that abut or have road frontage on the side of Paw Paw Lake Road that is the greatest distance from the shoreline, (generally the north or west side of Paw Paw Lake Road) between the intersection of North Bay Road and Paw Paw Lake Road and the intersection of Shoreview Drive and Paw Paw Lake Road, as designated on the official township zoning map.

(Ord. No. 90, § 18.02, 12-24-2016)

Sec. 40-442. - Permitted principal uses.

Single-family dwelling, subject to meeting both the zoning requirements of the underlying zoning district and the waterfront overlay district unless otherwise stated in this article.

(Ord. No. 90, § 18.03, 12-24-2016)

Sec. 40-443. - Permitted accessory uses for properties occupied by a single-family dwelling.

Permitted accessory uses or accessory use structures for properties occupied by a single-family dwelling are limited to the following:

- (1) Private garages.
- (2) Garden house, tool house, playhouse and greenhouse.
- (3) Private piers, shore stations, and docks as approved or allowed by the MEQD.
- (4) Private fenced-in swimming pool designed and operated only for occupants of principal buildings and their personal guests.
- (5) Automobile parking for the domestic use of the dwelling unit.
- (6) Minor home occupations.

(Ord. No. 90, § 18.04, 12-24-2016)

Sec. 40-444. - Uses requiring special land use permit.

Except as provided in sections 40-442, 40-443 and 40-446, all uses allowed as permitted principal uses, permitted accessory uses and special land uses in the underlying zoning district are subject to obtaining a special land use permit from the township board pursuant to article X of this chapter.

(Ord. No. 90, § 18.05, 12-24-2016)

Sec. 40-445. - Standards for issuance of a special land use permit in the WA district.

In reviewing and approving a special land use permit in the waterfront overlay district, the township board shall determine that the proposed land use complies, in addition to the zoning requirements and standards of the underlying zoning district and the standards of section 40-703(1), with the following:

- (1) The proposed site for any of the uses permitted herein shall have at least one recorded parcel of property meeting the minimum lot size and frontage requirements of the underlying zoning district abutting an impervious hard surface paved road.
- (2) Vehicular access to the site shall be provided from the hard surface paved road to the recorded parcel of property meeting the minimum lot frontage requirements of the underlying zoning district.
- (3) All landscaping shall be maintained in a healthy and attractive condition.
- (4) For waterfront properties, accessory buildings/structures and parking spaces shall be permitted only in the rear (roadside) yard, except for access drives and walls or fences used to screen the use from abutting residential uses.
- (5) The proposed use complies with the off-street parking and loading requirements of article IX of this chapter for the specific type of use to be permitted.

(Ord. No. 90, § 18.06, 12-24-2016)

Sec. 40-446. - Uses not permitted in the waterfront overlay district.

The following uses are expressly prohibited in the waterfront overlay district:

- (1) Electric power-generating stations.
- (2) Circus, fairs, carnivals or similar use for periods exceeding seven consecutive days.
- (3) Public parking garage or parking lot for paid parking.
- (4) New or used, sales, service or rental, of automobiles, trucks, mobile homes, campers, motorhomes, travel trailers, or similar vehicles.
- (5) Open-air markets or retail shops, which make or fabricate merchandise upon the same premises.
- (6) Warehouse storage facilities, including mini-warehouses.
- (7) Automobile or truck service garages and filling stations.
- (8) Multifamily dwellings on waterfront properties.
- (9) Overnight campgrounds for camping trailers, tents, and motor homes.
- (10) Laundromat.

(Ord. No. 90, § 18.07, 12-24-2016)

Sec. 40-447. - Limitation on application of waterfront regulations.

If a parcel has a shoreline on Paw Paw Lake, Little Paw Paw Lake or the channels surrounding the three islands in Paw Paw Lake and also on a manmade or natural channel, slip, creek, river or drain, only the shoreline on the lakes or the island channels shall be considered waterfront for purposes of the regulations set forth in this article. The boundaries of established

wetlands are not considered shorelines except where the waters' edge of Paw Paw Lake and Little Paw Paw Lake and wetlands meet.

(Ord. No. 90, § 18.08, 12-24-2016)

Sec. 40-448. - Setback requirements.

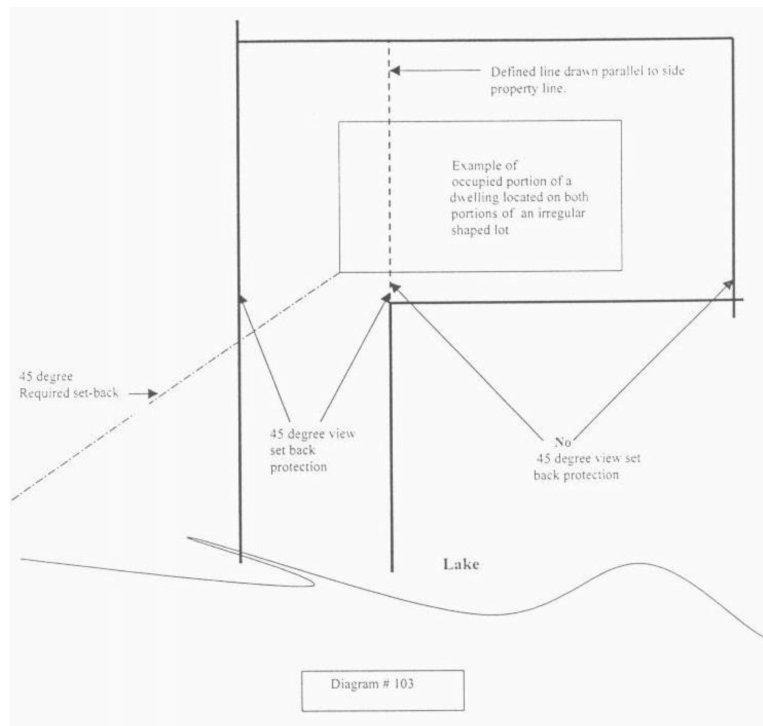
- (a) *Non-waterfront property.* Non-waterfront properties must adhere to the setback requirements of the underlying zoning district.
- (b) *Waterfront property; single-family dwellings.* All single-family dwellings and their accessory buildings/structures (including, but not limited to, a shed, garden house, playhouse, greenhouse, swimming pool, hot tub) or any part of any such structure (including, but not limited to, decks, porches, balconies and overhangs of a height above ground level) must conform to the following setback requirements:
 - (1) *Minimum front yard (waterfront side) setback.* The waterfront 45-degree setback (see section 40-1) or 35 feet from the shoreline, whichever is greater.
 - (2) *Exceptions.*
 - a. Ground level decks 12 inches in height may be in the required setback area.
 - b. Steps and walkways are permitted for ingress and egress from the principal dwelling in the required setback area, provided that the top surface of any step or walkway is not greater than 24 inches from the ground level. The width of such step or walkway shall not exceed four feet and steps not to exceed 18 inches in depth.
 - c. The zoning board of appeals may issue a variance from the WA district waterfront front yard setback requirement when it is determined that a new dwelling or residential accessory structure cannot reasonably be built because of the ordinance requirements for waterfront, side and rear setbacks, and minimum square footage for structure size.

(Ord. No. 90, § 18.09, 12-24-2016)

Sec. 40-449. - Application of the zoning lot setback requirements in the waterfront overlay district.

- (a) Non- waterfront properties must adhere to the setback requirements of the underlying appropriate zoning regulations. Waterfront properties (a waterfront zoning lot) must adhere to the waterfront setback requirements of the waterfront overlay district as well as comply with the side and rear (non-waterfront) set back requirements of the underlying zoning district.
- (b) A waterfront zoning lot is considered to be one parcel, of either individual or joined lots or parcels, under common ownership, that have a shoreline on at least one side of the property (usually referred to as the front of the property) on any of the above mentioned bodies of water. A waterfront zoning lot, for application of the view setback provisions of this district, is considered to end at either:
 - (1) The rear (non-waterside) property line of a platted lot or site condominium unit;
 - (2) 33 feet from the centerline of any road of a property recorded by metes and bounds description (distance measured perpendicular from centerline of the street (or road) toward the center of the property); or
 - (3) When a defined line is drawn parallel to the side property line that intersects with the shoreline, a distance from that side property line that is equal to the actual shoreline frontage, that intersects with the rear (non-waterfront) property line.

The rear of the waterfront portion of the flag shaped lot is considered to end at the property line or road right-of-way as described in subsections (b)(1) and (2) of this section, where it intersects with the defined line drawn parallel to the side property line. When a property is a flag shaped lot (see diagram #103), only the portion of the lot that has defined lake frontage shall be considered as having the 45-degree lakefront view protection. That portion of the zoning lot that does not have defined lake frontage, such as the flag portion of a flag shaped lot, shall not have the 45-degree lakefront view protection. (See diagram #103 for description of (b)(3) following.)

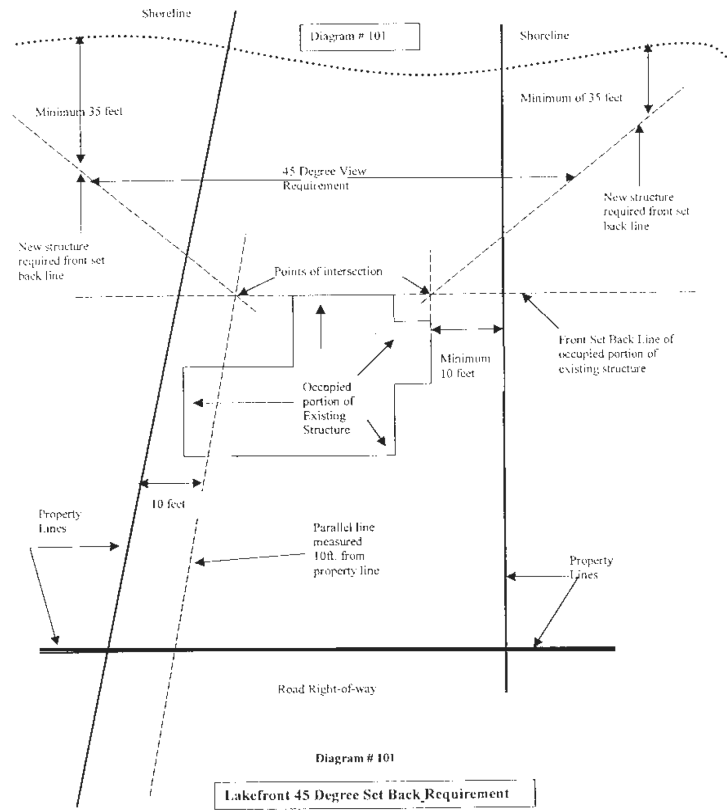


- (c) If one parcel of property is divided or separated by a road or thoroughfare, only the section of the property that has a shoreline on one or more sides of the property will be considered as a waterfront zoning lot for purposes of this chapter. The other non-waterfront parcel, section, portion or part of the property will be required to adhere to the applicable ordinance requirements of the underlying zoning district in which it is located and will not be subject to the 45-degree waterfront view requirement.

(Ord. No. 90, § 18.10, 12-24-2016)

Sec. 40-450. - Waterfront 45-degree view setback requirement.

For purposes of determining the required setback for a new structure or addition to an existing structure upon all or a portion of a waterfront lot qualifying for setback view protection (see [section 40-448](#)), a 45-degree waterfront line of view will be established from a point on each adjacent neighboring dwelling towards the waterfront on any waterfront lot. The starting point for determining the 45-degree angle will be the point where the occupied front setback line intersects with the occupied side setback line. The 45-degree line of view is drawn from the starting point at a 45-degree angle from the occupied front setback line closest to the affected adjacent property, toward the waterfront. If the occupied setback line is less than ten feet from the side lot line, then the starting point will begin where the occupied front setback line intersects with a parallel line to and measured ten feet from the side property line. (See 45-degree setback requirement illustration—diagram #101).



(Ord. No. 90, § 18.11, 12-24-2016)

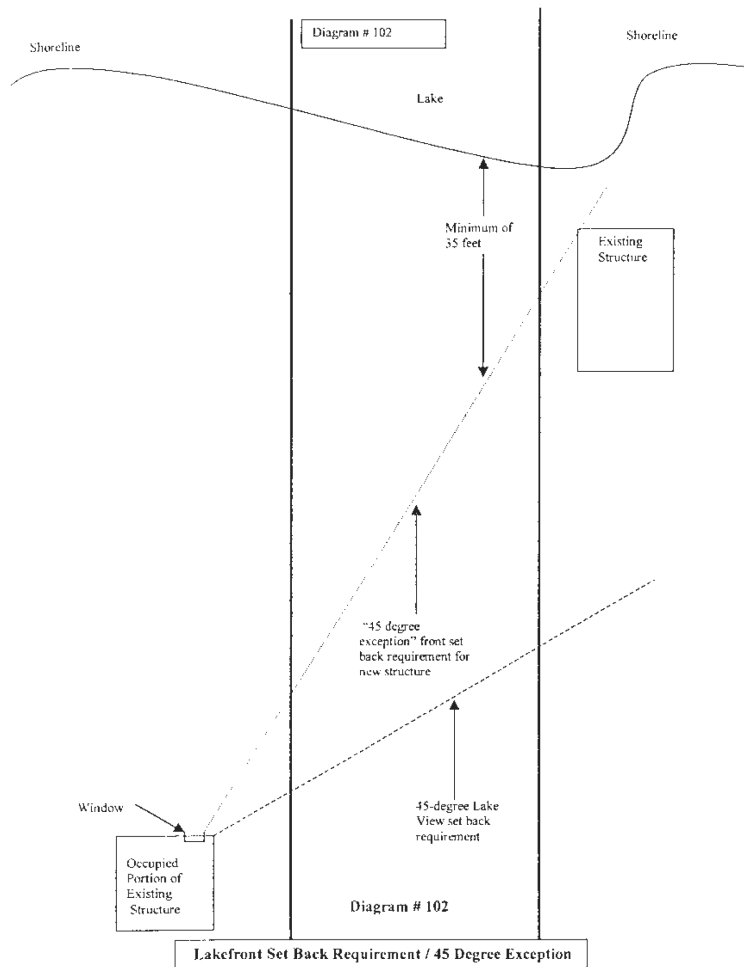
Sec. 40-451. - Zoning administrator may order use of alternative waterfront view setback requirement.

The zoning administrator may, if after the 45-degree water view setback is determined, an existing adjacent structure or dwelling to the proposed new dwelling, already blocks or impairs the 45-degree view of the existing neighboring dwelling, order the use of the alternative 45-degree setback requirement. In such cases, the zoning administrator shall issue a written opinion stating that the 45-degree alternative setback requirement shall apply due to view impediment of existing structures for exclusive use of the specific subject property under consideration.

(Ord. No. 90, § 18.12, 12-24-2016)

Sec. 40-452. - Alternative waterfront view setback requirement.

If the alternative 45-degree setback requirement is ordered by the zoning administrator, the 45-degree alternative setback requirement will apply. The alternative 45-degree setback requires that the waterfront setback for the proposed new structure or dwelling be established by determining a straight line, plane of view, between the two closest adjacent existing dwellings or structures, on each side of the proposed new structure or dwelling. The starting point for the line of view will be from a point on the dwelling farthest from the waterfront. That point will be placed on the closest edge of the closest window to the proposed structure on the occupied setback line. The line of view (proposed setback line) will extend from the starting point, across the property that the proposed structure will be built or placed, to a point on the existing structure of the other adjacent property. The second point will be on that part of the adjacent structure that is closest to the common side lot line and the waterfront, so as no part of the existing structure or proposed structure will cross an extended line, passing through those points. This is to ensure the view from the occupied portion of the existing structure, furthest from the lake, will not be obstructed by the proposed structure.



(Ord. No. 90, § 18.13, 12-24-2016)

Sec. 40-453. - Outdoor storage prohibited in front yards.

- (a) Storage of trash cans, including recycling receptacles, yard maintenance equipment, more than one cord of firewood, trash and the like, is prohibited in the front yard between the water line and the front building line for waterfront properties, and in the front yard, between the front building line and the street for non-waterfront properties. Licensed commercial vehicles with weight greater than 12,000 pounds gross vehicle weight (GVW) are prohibited from parking on property used for residential purposes in the waterfront overlay district.
- (b) For waterfront properties, for this section, the front of the principal permitted structure is located facing the water and the rear facing the street. For waterfront properties, regulations of this section are intended to require most outdoor storage to be located in the side yard between the front and rear building lines of the principal permitted structure.
- (c) Seasonal storage, on waterfront properties, during the calendar months of September through May is permitted in the front yard (lakeside) for piers, boats, and boat storage devices (commonly referred to as shore stations).

(Ord. No. 90, § 18.14, 12-24-2016)

Sec. 40-454. - Replacement of lawful nonconforming waterfront dwellings and commercial uses permitted.

- (a) Residential dwellings on waterfront properties that are lawfully in existence at the time of the enactment of the ordinance from which this chapter is derived or which shall become lawful existing nonconforming buildings or

structures due to an amendment to this chapter may be replaced with a new structure so long as the new structure does not exceed the same footprint as the existing structure, and must be a minimum of five feet from each side lot. The new structure may not extend outside of the existing structure's width, length, and height if the extension is not in complete compliance with the schedule of district regulations (section 40-42) for the zoning district in which the parcel is located unless varied by the zoning board of appeals.

- (b) Commercial structures and uses that lawfully exist at the time of the enactment of this chapter may be replaced with a new structure of the same use so long as the new structure is within the same footprint as the original structure. The replacement structure cannot be expanded unless it is in compliance with the schedule of district regulations (section 40-42) for the zoning district in which the parcel is located and the zoning requirements of the waterfront overlay district, unless varied by the zoning board of appeal.

(Ord. No. 90, § 18.15, 12-24-2016)

Sec. 40-455. - Supplemental district regulations.

The following requirements and restrictions shall apply to all waterfront lots within the WA Waterfront Overlay Zoning District:

- (1) All developments are encouraged to provide a planted greenbelt strip or area, a natural vegetation strip or area or a combination of both between all buildings and other structures and the shoreline.
- (2) Fences are permitted in the waterfront overlay district so long as requirements of section 40-496 are met.

(Ord. No. 90, § 18.16, 12-24-2016)

Sec. 40-456. - Regulations pertaining to extending riparian access to water.

In the WA Waterfront Overlay District, where a parcel of land is contiguous to a lake, river, or stream, such parcel of land may be used for the purpose of gaining riparian access and enjoyment to the body of water for the owners and occupants of one or more residential lots or structures, subject to the following condition:

- (1) No property, parcel of land, or private park, including, but not limited to, easement, common area, lot, or access property, abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river, or stream, for more than one dwelling unit, including, but not limited to, single-family home, multifamily dwelling unit, condominium unit, site condominium unit, apartment unit, or any other use, unless the parcel of land contains at least 80 feet of lineal feet of road frontage as required for a residential lot or parcel of land.
- (2) The above restrictions shall apply to all lots and parcels on or abutting any lake, river or stream in the waterfront overlay district, regardless of whether access to the body of water shall be by easement, park, common fee ownership, single fee ownership, condominium agreement, license or lease or any other form of ownership.
- (3) Notwithstanding the above regulations, any existing riparian property used for riparian access, or as access property, as of the effective date of the ordinance from which this chapter is derived, shall be permitted to continue as existing, as long as the access use it is not extended or increased in size, number, or use.

(Ord. No. 90, § 18.17, 12-24-2016)

Sec. 40-457. - Accessory buildings and storage sheds.

No storage unit may be placed on the front (waterside) portion of the property unless it can meet both the requirements of section 40-450 regarding the 45-degree view protection and 35 feet from the water.

- (1) Accessory buildings must maintain a ten-foot setback from side property lines and a 15-foot setback from the rear (property line on waterfront property. An accessory building must be located 20 feet from the dwelling.
- (2) Accessory buildings must maintain a ten-foot setback from the side and a ten-foot setback from the rear property lines on non-waterfront property. An accessory building must be located 20 feet from the dwelling.
- (3) Storage sheds (120 square feet or less) must maintain a three-foot setback from the side and rear property lines, and not exceed nine feet in height to roof peak. Sheds may not have permanent foundations or concrete floors.
- (4) Support walls for accessory buildings shall not be greater than 14 feet in height.
- (5) Total height of an accessory building from ground level to the highest point shall not exceed 25 feet in height. Total height of sheds shall not exceed nine feet in height.
- (6) No more than two accessory buildings per parcel shall be installed or constructed in this district.
- (7) Accessory buildings must maintain a 15-foot distance from any dwelling. When lot size and regulations prohibit an accessory building from maintaining the required above-mentioned distance, then the interior of the accessory building must have a fire barrier of one-half inch sheet rock installed on the side walls and ceiling of the structure.
- (8) If a parcel is less than 21,780 square feet (one-half acre) the total combined area of the accessory buildings shall not exceed 576 square feet.
- (9) If a parcel is at least one-half acre (21,780 square feet) but less than one acre (43,560 square feet), the total combined area of the accessory buildings shall not exceed 864 square feet.
- (10) If a parcel is at least one acre but less than three acres, the total combined area of the accessory buildings shall not exceed 1,200 square feet.
- (11) If a parcel is at least three acres but less than five acres, the total combined area of the accessory buildings shall not exceed 1,800 square feet.
- (12) If a parcel is five acres or greater, the total combined area of the accessory buildings shall not exceed 2,400 square feet.
- (13) If the dwelling located in this district does not have an attached garage, the total combined area of the accessory building can be increased by 484 square feet.

(Ord. No. 90, § 18.18, 12-24-2016)

Sec. 40-458. - Signs.

- (a) One wall sign is permitted on either the dwelling structure or an accessory building. The sign may be up to six square feet in size and be placed anywhere on the wall of the dwelling or accessory building. All other signs, except signs permitted by section 40-548, are prohibited in this district.
- (b) Exception; commercial business in waterfront overlay zone. One or more on-site signs may be allowed upon issuance of a special land use permit pursuant to article X of this chapter and meeting the standards of section 40-557. The size and location of the signs will be reviewed, and a recommendation to the township board will be made by the planning commission through the special land use process.

(Ord. No. 90, § 18.19, 12-24-2016)

Secs. 40-459—40-484. - Reserved.

ARTICLE III. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 40-485. - Minimum residential building size requirements.

All residential dwelling unit structures constructed in any residential zoning district must conform to the following schedule of minimum total floor area (defined as total building floor area less the floor area for any garage, breeze way, porch and basement) dimensions for the type of dwelling unit constructed:

- (1) *Single-family dwellings.*
 - a. One story in height: 1,000 square feet in total floor area.
 - b. One and one-half story in height: 1,350 square feet in total floor area.
 - c. Two story in height: 1,600 square feet in total floor area.
 - d. Two and one-half story in height: 2,000 square feet in total floor area.
- (2) *Two-family dwellings.*
 - a. First one of two units: 900 square feet in total floor area.
 - b. One bedroom unit: 750 square feet in total floor area.
- (3) *Multifamily dwellings.*
 - a. One bedroom unit: 750 square feet in total floor area.
 - b. Two bedrooms: 900 square feet in total floor area.
 - c. Three bedrooms : 1,000 square feet in total floor area.
 - d. Additional bedrooms: 125 square feet in total floor area.

(Ord. No. 90, § 19.01, 12-24-2016)

Sec. 40-486. - Standards for single-family dwellings.

All single-family dwellings in the township must comply with the following standards. Any dwelling unit existing at the time of adoption of this chapter not in compliance with these standards shall be classified as a nonconforming single-family dwelling unit. Any single-family dwelling constructed after the date of the adoption of the ordinance from which this chapter is derived that is not in conformance with the following standards shall be classified as an illegal single-family dwelling:

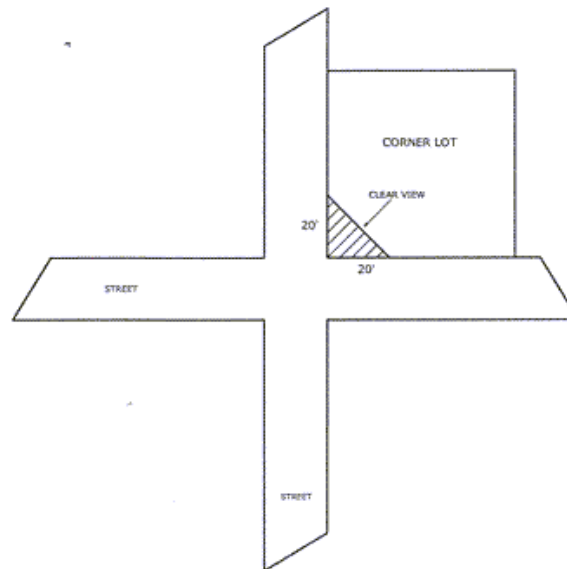
- (1) The dwelling complies with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) The dwelling has a minimum width across any front, side, or rear elevation of 20 feet and complies in all respects with the township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the township building code, then and in that event such federal or state standard or regulation shall apply.
- (3) The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required above.

- (4) In the event that a dwelling is a mobile home, as defined herein, such mobile home shall be installed with the wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- (5) The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) Compatibility of design.
 - a. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors, with the second one being in either the rear or side of the dwelling; and contains steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.
 - b. The compatibility of design and appearance shall be determined in the first instance by the township zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," 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, where such area is developed, by the character, design, and appearance of one or more permanent code conforming residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to the mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the federal department of housing and urban development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required in the ordinance of the township pertaining to such parks.
- (11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code provisions and requirements.

(Ord. No. 90, § 19.02, 12-24-2016)

Sec. 40-487. - Visibility at intersections.

On any corner lot in any district, nothing shall be erected, placed, planted or allowed to grow within 20 feet of the corner of a road right-of-way intersection that will materially obstruct the view of the driver of a vehicle approaching the intersection.



(Ord. No. 90, § 19.03, 12-24-2016)

Sec. 40-488. - Erection of or an addition to dwellings on property with more than one principal structure on a lot.

Every principal permitted use structure shall be located upon a lot of record, this being a premises or parcel of real estate, the description of the boundaries of which is on record at the office of the county register of deeds. No more than one such structure shall be erected upon a lot of record or site condominium unit except on property zoned R-3 or RMH. Seasonal farm labor housing, or structures located upon premises which are being actively farmed, and in conjunction with divisions 10 and 11 of this article, which are designated for and occupied by farm labor personnel, may be located upon the same lot of record as the main dwelling structure on the farm premises. In the case of a lot of record having more than one dwelling or principle use structure lawfully upon it at the time of the approval of this chapter, no such dwelling or principle use structure that is a lawful nonconforming structure may hereafter be expanded or enlarged in any manner.

(Ord. No. 90, § 19.04, 12-24-2016)

Sec. 40-489. - Creation of lots/units of record.

- (a) The creation of a lot of record regardless of ownership by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors, or assigns, where the act of creating a lot of record creates a subdivision in accordance with the provision of the Land Division Act, MCL 560.101 et seq., shall be surveyed and a plat thereof submitted, approved, and recorded as required by the Act.
- (b) The creation of a site condominium having a lot/unit of record by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors, or assigns, where the act of creating a lot of record creates a site condominium in accordance with the provision of the Condominium Act, MCL 559.101 et seq., shall be surveyed and a plat thereof submitted, approved, and recorded as required by the Act.

(Ord. No. 90, § 19.05, 12-24-2016)

Sec. 40-490. - Exceptions to height.

The height limitations specified in the schedule of district regulations (section 40-42) may be exceeded up to a maximum height above the finish grade of no more than 45 feet for spires, belfries, cupolas, antennas except elsewhere regulated, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and shall not be intended for human occupancy.

(Ord. No. 90, § 19.06, 12-24-2016)

Sec. 40-491. - Non-habitable and above-roof appurtenance area requirements.

The combined area of spires, belfries, cupolas, antennas except as elsewhere regulated, water tanks, ventilators, chimneys, or other appurtenances shall not exceed one percent of the footprint of the habitable portion of the structure.

(Ord. No. 90, § 19.07, 12-24-2016)

Sec. 40-492. - All structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(Ord. No. 90, § 19.08, 12-24-2016)

Sec. 40-493. - Temporary structures and permits.

(a) *Temporary dwelling structures and temporary housing permit.* No building, mobile home, garage, cellar, basement, or other structure which does not conform to the provisions of this chapter relative to dwellings shall be erected, altered, or moved upon any premises and used for dwelling purposes, except under the following applicable limitations:

- (1) Application for a temporary housing permit for the erection, movement, alteration, and use of such building, mobile home, garage, basement, or other structure shall be made to the zoning administrator at the time of application for a building permit. The zoning administrator shall make recommendation to the township board, which shall have the final decision as to whether a permit is issued.
- (2) A temporary housing permit issued under this section shall be granted for a period not to exceed 12 consecutive months. This permit may be extended for an additional 12 consecutive months by action of the township board. Not more than one extension shall be granted.
- (3) A temporary housing permit shall be revoked if construction of the permanent dwelling is not commenced within 30 days after issuance of the permit.
- (4) Use of any such building, mobile home, garage, basement, or other structure shall not be inimical to health, safety, or the public welfare.
- (5) The location of each building, garage, cellar, basement, or other structure shall conform to the regulations governing the yard requirements governing dwellings or similar conformable structures in the district in which it is situated.
- (6) Such use of any building, mobile home, garage, cellar, basement, or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this chapter is in process of erection and completion; provided, however, that such a period shall not exceed 12 consecutive months beginning with the date of issuance of the permit.

- (7) Mobile homes used as temporary housing under this section shall be connected to public sewer or other on-site wastewater disposal system approved by the county health department and shall have proper drainage and be connected to a public water system.
- (b) *Permit required for recreational vehicle use as temporary housing.* In the case of recreational vehicles providing temporary housing of guests or visitors on the premises, such use shall be permitted for a period of time not to exceed 120 days in any 12 consecutive month period, provided that the occupants of the recreational vehicle shall have unrestricted use of the sewage disposal and water supply facilities of the dwelling.
- (c) *Mobile homes located within a licensed mobile home park.* The conditions of this article shall not apply to any mobile home when located in a mobile home park.
- (d) *Temporary dwelling use due to medical hardship.* Notwithstanding any other provisions of this chapter, the township board may approve through issuance of a temporary hardship permit the use of a mobile home for occupancy of the mother, father, daughter, son, father-in-law, mother-in-law, brother, sister, grandfather, or grandmother of the residing property owner, upon a finding of medical hardship on the part of an occupant of the proposed mobile home and where practical alternatives do not exist. One or more certificates may be required in support of the alleged hardship.
- (1) Physical hardship is a condition in which an individual is incapable of taking care of himself, as indicated by an approved physician's statement of physical hardship. If more than one person will occupy the mobile home, prior approval must be obtained at time of application or prior to residency from the zoning administrator.
- (2) An approved location is any lot presently zoned to allow for single-family dwelling, occupied by the property owner and of sufficient size to allow for necessary front, rear, and side yard setback dimensions for the district in which the property is located.
- (3) The mobile home must meet minimum construction standards promulgated pursuant to federal Manufactured Home Construction and Safety Standards, 42 USC 5401 et seq., to ensure the health and safety of the occupant. If the mobile home is not new, the zoning administrator must confirm by inspection that the condition and appearance reflect good upkeep and sound repair.
- (4) The mobile home must be installed as if its use were permanent, including cement footings or piers set on concrete footings, skirting, water and sewer hookups, landscaping, and tie-downs.
- (5) Upon approval, a temporary hardship permit for a period of one year shall be obtained from the township board. Subsequent renewals, each for no more than one year, may be granted by the zoning administrator on the finding that the physical hardship continues to exist.
- (6) Once the person approved for this mobile home no longer occupies it, or the residing property owner no longer resides there, or the physical hardship ceases to exist, the permit is null and void, and the mobile home must be removed from the property within three months of that date.
- (7) Issuance of a permit hereunder shall not establish a nonconforming prior existing use beyond the expiration of the permit.
- (e) *Other temporary structures.* No other temporary structures, not allowed elsewhere in this chapter, shall be allowed except by the approval of the township board upon recommendation by the zoning administrator. Approval of the structures shall be subject to any specific conditions approved by the township board.
- (f) *Circus, fair, carnival or similar uses require temporary land use permit.* Circus, fair, carnival, or similar use for periods not to exceed eight days consecutively which may be renewable for not more than eight days where such use and occupancy:
- (1) Is temporary or seasonal only;

- (2) Is not detrimental to adjacent surrounding property;
- (3) Is not disturbing to the general peace and tranquility;
- (4) Will not create undue traffic hazard and congestion.

(Ord. No. 90, § 19.09, 12-24-2016)

Sec. 40-494. - Customary household pets and livestock.

The keeping of customary household pets in the R-1A, R-1B, R-2A, R-2B, R-3 and RMH and in other zoning districts where any residential use is limited to those pets as defined in the definition of domestic or customary household pets. The keeping of any livestock, poultry, or other animals for any purpose is limited to the AG-T and AG-P agricultural districts.

(Ord. No. 90, § 19.10, 12-24-2016)

Sec. 40-495. - Fences.

- (a) *General regulations applicable in all zoning districts.* All fences shall comply with the following general regulations:
 - (1) Fences shall be sufficient quality and shall be maintained so as to withstand rusting, rotting, and other weather-related deterioration. Fences shall be maintained in good structural condition at all times.
 - (2) Fences shall be kept neatly painted, stained or preserved, and such treatment shall be of the same contiguous color, stain or other treatment.
 - (3) All fence material is uniformly distributed along the length of the entire fence.
 - (4) Fences, including tree/shrub fences, shall be located and maintained so that the fence is entirely on the private property of the person, firm, or corporation that is having the fence installed. No portion of a fence shall overhand onto adjoining property.
 - (5) No fence shall be constructed or arranged to obstruct the view of vehicles entering or exiting adjacent properties.
 - (6) No fence shall be established within 20 feet of the corner of a road right-of-way intersection that will materially obstruct the view of the driver of a vehicle approaching the intersection (see [section 40-487](#) for comparable provision also applying to non-fence planting and structures).
 - (7) Fences shall be identical appearance on each side, or the refined, finished, and preferred side shall be installed facing the adjoining property. All poles and posts must be installed on the inside of the fence facing the owner's property, not the adjoining property.
- (b) *Residential district requirements.* Fences located in the R-1A, R-1B, R-2A, R-2B, and R-3 districts and the RMH district, unless regulated by the state mobile home park commission, shall also comply with the following standards:
 - (1) *Fences in front yards.*
 - a. *Maximum height.*
 - 1. Fifty inches above average grade.
 - 2. Unlimited as to that portion of a tree/shrub fence planted ten feet or more from a property line or road right-of-way line.
 - b. *Minimum setback from side property lines and road right-of-way lines.*
 - 1. *Maintenance free fences.* (See definition of "maintenance free fence" in [section 40-1.](#)) Zero feet, but shall not extend onto or over adjoining property or a road right-of-way.
 - 2. *Other fences.* Three feet, for maintenance purposes.

- (2) *Fences in rear or side yards.*
- a. *Maximum height.*
 1. Six feet as to that portion of a fence less than ten feet from a property line or a road right-of-way line.
 2. Eight feet as to that portion of a fence ten feet or more from a property line or a road right-of-way line.
 3. Unlimited as to that portion of a tree/shrub fence ten feet or more from a property line or a road right-of-way line.
 - b. *Minimum setback from property lines and road right-of-way lines.*
 1. *Maintenance free fences.* Zero feet but shall not extend onto or over adjoining property or a road right-of-way lines.
 2. *Other fences.* Three feet.
- (3) *Fences on vacant properties.* A fence may be placed on vacant property by establishing the front, rear and side yards using the minimum required setback lines for structures. These established yards shall determine the type and placement of fences on the vacant property.
- (4) *Restrictions.* No fence shall contain barbed wire, electric current or charge of electricity.
- (c) *Waterfront overlay district requirements.* Fences located in the WA District shall also comply with the following standards:
- (1) *Waterfront property.* Paw Paw Lake, Little Paw Paw Lake, channels on Paw Paw Lake and channels on Little Paw Paw Lake.
 - a. *Fences in front (waterside) yards.*
 1. Maximum height: 50 inches.
 2. Shall be maintenance free fences.
 3. Shall be no more than 20 percent opaque (see definition of "opaqueness of a fence" in section 40-1).
 4. Shall not have any vegetation growing upon them.
 5. Exception. A fence that satisfies the minimum setback for structures and the waterfront 45-degree view setback requirement (see sections 40-448, 40-449 and 40-450) shall not be subject to subsections (c) (1)a.1, 2, 3, and 4 of this section. A fence allowed under this subsection shall not exceed a height of eight feet.
 6. Except for fences allowed under subsection (c)(1)a.5 of this section, there is no minimum property line or water's edge setback requirement, subject only to the limitation that no fence shall go onto or over adjoining property or go beyond the water's edge into the body of water.
 - b. *Fences in the rear (roadside) or side yards.* Fences in the rear (roadside) yard shall satisfy the requirements for fences in the front yards of residential districts. Fences in the side yard shall satisfy the requirements for fences in the side yards of residential districts (see section 40-496(b)).
 - c. *Fences on vacant properties.* A fence may be placed on vacant property by establishing the front, rear and side yards. These established yards shall be used to determine the type, height and placement of fences on vacant property.
 - d. *Restrictions.* No fence shall contain barbed wire, electric current or charge of electricity.
 - (2) *Non-waterfront property.* Fences on non-waterfront property shall be subject to the same fence regulations as fences in the underlying zoning district in which the fence is located.
- (d) *Agricultural district requirements.* Fences located in the AG-T, AG-P, and C-2 districts shall comply with the following

standards:

- (1) Fences on that portion of the property that is maintained as a residence shall be subject to the same fence regulations as fences in the residential districts.
 - (2) Fences on the remainder of the property shall not exceed ten feet in height.
- (e) *Commercial/industrial district requirements.* Fences located in the C-1, M-1, and M-2 districts shall also comply with the following standards:
- (1) If a fence is on property in the WA Waterfront Overlay District, the fence regulations for that district shall apply.
 - (2) If a fence is on property that is used for residential purposes, then the fence regulations of that district shall apply.
 - (3) In no event shall a fence exceed ten feet in height.
- (f) *Permits required for erection or replacement of any fence.* A zoning fence permit shall be obtained from the zoning administrator prior to erection or replacement of any fence. Property boundaries in the vicinity of where the fence is to be located, shall be staked by or on behalf of the property owner and be visible to the zoning administrator before any fence may be constructed. When deemed necessary by the zoning administrator to confirm compliance with the requirements in this section, a property boundary survey may be required.

(Ord. No. 90, § 19.11, 12-24-2016)

Sec. 40-496. - Swimming pools and outdoor hot tubs or spas.

(a) *Permit required for installation.*

- (1) Except as provided in the following sentence, a zoning compliance permit is required before the installation of any above- or below-ground pools, hot tubs or spas. A zoning compliance permit is not required for above-ground pools:
 - a. That have a water surface area of 200 square feet or less;
 - b. That have a depth of 30 inches or less; and
 - c. Which do not require or have any electrical device attached to, or needed for, the operation of the pool.
 - (2) In granting such zoning compliance permit, the township zoning administrator shall consider, among other things, the availability of water and adequate drainage. No permits for such use shall be granted unless the plans provide for the construction of a suitable fence or enclosure around the pool of at least four feet in height with a self-closing gate or gates that may be locked. The construction of the fence or enclosure shall be a prerequisite to the use of any such swimming pool. The purpose of this provision is to provide for the safety and protection of small children.
 - (3) After determination by the township zoning administrator that all applicable requirements of this chapter and all applicable building, electrical, mechanical, and plumbing code requirements, including provisions regarding plans and permits, have been met, the township zoning administrator may issue the necessary zoning compliance permit for the construction, installation, enlargement, or alteration of a swimming pool, hot tub or spa.
- (b) *Conformance with setback requirements.* The location of a swimming pool, hot tub, or spa on any lot or parcel of land must comply with the accessory use setback requirements of the respective district in which it is situated.

(Ord. No. 90, § 19.12, 12-24-2016)

Secs. 40-497—40-515. - Reserved.

ARTICLE IV. - NONCONFORMING LOTS, USES AND STRUCTURES

Sec. 40-516. - Intent and continuation of nonconforming lots and uses.

Within the districts established by this chapter, or amendments that may later be adopted, there exist lots, land, structures, and uses thereof which were lawful before this chapter was passed or amended but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed but not to encourage their continuation. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, except as provided elsewhere in this chapter, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(Ord. No. 90, § 6.01, 12-24-2016)

Sec. 40-517. - Nonconformity declared to be incompatible with permitted district uses.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of land, structure, or combination thereof shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as provided elsewhere in this chapter.

(Ord. No. 90, § 6.02, 12-24-2016)

Sec. 40-518. - Application approved but non-constructed projects.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to building, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. No. 90, § 6.03, 12-24-2016)

Sec. 40-519. - Nonconforming lots of record.

- (a) *Contiguous parcels under single ownership.* When two or more parcels of land, each of which lack adequate area or dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use (see *Lot, zoning*, in [section 40-1](#)).
- (b) *Adjoining nonconforming lots under single ownership.* Any zoning lot of record consisting of two or more nonconforming parcels of land under single ownership, regardless of the form of recording, shall be considered one zoning lot of record, and the zoning lot may not be divided to create a lot or zoning lot in violation of the terms of this chapter.
- (c) *Lot area and lot frontage restrictions; exemption.* Lot area and lot frontage restrictions shall not apply to any lots or parcels of land which are part of a recorded plat, and at the time of the adoption of the ordinance from which this

chapter is derived such plats disclose lot areas or lot frontages of less than those governed by the terms of this chapter.

(Ord. No. 90, § 6.04, 12-24-2016)

Sec. 40-520. - Nonconforming uses of land (or land with minor structures only).

Except as provided elsewhere in this chapter, where, at the time of passage of the ordinance from which this chapter is derived, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located; and
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Ord. No. 90, § 6.05, 12-24-2016)

Sec. 40-521. - Nonconforming structures.

Except as provided elsewhere in this chapter, where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity; except as provided elsewhere in this chapter.
- (2) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (3) A lawful nonconforming dwelling may be enlarged as long as the addition to the dwelling meets all ordinance restrictions, including, but not limited to, area, lot coverage, height, setbacks and location on the lot.

(Ord. No. 90, § 6.06, 12-24-2016; Ord. No. 112, § I, 6-12-2019)

Sec. 40-522. - Nonconforming structures and structures and premises in combination.

Except as provided elsewhere in this chapter, if lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that would not be allowed in the district under the terms of this chapter, the

lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) An existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any additional land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special land use be changed to another nonconforming use, provided that the township board, by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the township board may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
- (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (5) If a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

(Ord. No. 90, § 6.07, 12-24-2016)

Sec. 40-523. - Replacement of lawful nonconforming dwellings.

Residential dwellings on properties that are lawfully in existence at the time of the enactment of the ordinance from which this chapter is derived or which shall become lawful existing nonconforming buildings or structures due to an amendment to this chapter, that is destroyed by an act of God or accident to an extent of more than 50 percent of its replacement cost at the time of destruction, may be replaced with a new residential building or structure if the following conditions are met:

- (1) A new dwelling cannot be built on the property to meet all of the districts setback requirements.
- (2) The new dwelling does not exceed the footprint of the nonconforming portions of the original dwelling.
- (3) There is one dwelling located on the property.
- (4) The new dwelling must be a minimum of five feet from each side lot line.
- (5) The new dwelling may not extend outside of the existing structure's width, length, and height if the extension is not in complete compliance with the schedule of district regulations (section 40-42) for this zoning district unless varied by the zoning board of appeals.

(Ord. No. 90, § 6.08, 12-24-2016)

Sec. 40-524. - Repairs and maintenance of nonconforming structures.

- (a) *Ordinary repairs.* On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs not to exceed 25 percent of the current

replacement cost of the nonconforming structure.

- (b) *Safety repairs permitted.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided that the cubic content existing when it became not conforming shall not be increased.

(Ord. No. 90, § 6.09, 12-24-2016)

Sec. 40-525. - Uses under special land use provisions are not nonconforming uses.

Any use which is approved by the township board after the effective date of the ordinance from which this chapter is derived as a special land use in a district under the terms of this chapter shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

(Ord. No. 90, § 6.10, 12-24-2016)

Secs. 40-526—40-543. - Reserved.

ARTICLE V. - SIGNS

Sec. 40-544. - Purpose and intent.

The purpose of this article is to provide minimum standards to safeguard life, health, prosperity and public welfare by regulating and controlling the design, quality of material, construction, location, electrification and maintenance of all signs, sign structures and outdoor display structures of all types. The regulations of this article are not intended to permit any violation the provision of any other lawful ordinance.

(Ord. No. 90, § 20.01, 12-24-2016)

Sec. 40-545. - Zoning compliance permit required.

No person shall place, or maintain, on premises owned or occupied, or on the premises of another, any sign without first making application for and receiving a zoning compliance permit.

(Ord. No. 90, § 20.02, 12-24-2016)

Sec. 40-546. - Plans and specifications.

Before any zoning compliance permit is granted for the erection of a sign or alternation of an existing sign, structure or outdoor display structure, plans and specifications shall be filed with the township zoning administrator showing all dimensions, including heights, materials, lighting, proposed location and required details of construction. The application shall also be accompanied by the written consent of the owner or lessee of the premises upon the property the sign is to be located.

(Ord. No. 90, § 20.03, 12-24-2016)

Sec. 40-547. - Sign identification required on all signs.

Any sign erected or displayed, unless otherwise exempted, shall bear a plainly visible identification plate containing the name of the person or business responsible for such sign, a telephone contact number and the original zoning compliance permit number.

(Ord. No. 90, § 20.04, 12-24-2016)

Sec. 40-548. - Exemptions from sign regulations.

The following signs are exempted from the terms of this article however, this exemption shall not be construed to relieve the owner of the sign or property owner from the responsibility for its erection, maintenance and removal in a safe manner:

- (1) *Home occupations.* Signs erected for minor home occupations as provided in section 40-585 and major home occupations as provided in section 40-586.
- (2) *Real estate rental and sales signs.* Signs used for advertising the rental or sale of the property on which the sign, provided that such sign does not exceed the size requirements and location standards of this article for the zoning district in which the property is located. Such signs shall be removed with ten days after the sale or lease is consummated.
- (3) *Construction signs.* Construction signs, engineers and architects signs and other similar signs used in connection with construction operations, may be erected, providing such signs are removed within ten days after completion of construction.
- (4) *Government building signs.* Any government signs that announce the name, nature and the occupancy and information as to use of or admission to the premises.
- (5) *Traffic and street identification signs.* A sign pertaining to and authorized by a public agency for traffic control and street identification.
- (6) *Property identification and street address signs.* Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, name of occupants of premises, or other identification of premises or other identification of premises not having commercial connotations.
- (7) *Government flags and insignias.* Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (8) *Legal notices by governmental bodies.* Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- (9) *Architectural features of buildings.* Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (10) *Political campaign signs.* Signs used for political campaign purposes sponsored and installed by an organized political campaign or township resident or property owner for local, school, county, state or national offices and other election ballot issues.

(Ord. No. 90, § 20.05, 12-24-2016)

Sec. 40-549. - Alterations.

No sign shall be enlarged, altered or relocated except in conformity to the provisions of this article for new signs nor until a proper building permit has been issued. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting shall not be deemed an alteration, providing the conditions of the original approval or the requirements of the article are not violated.

(Ord. No. 90, § 20.06, 12-24-2016)

Sec. 40-550. - Maintenance of signs and supporting structure.

All signs together with all their supports, braces, guys and anchors shall be kept in good repair and not permitted to rust, corrode, peel or deteriorate. The display surface of all signs shall be kept painted or posted at all times.

(Ord. No. 90, § 20.07, 12-24-2016)

Sec. 40-551. - Unsafe and unlawful signs; removal or repair order.

When a sign becomes unsafe as determined by the township zoning administrator, specifically insecure, in danger of falling, or as otherwise determined by the township zoning administrator, or if any sign is unlawfully installed, erected or maintained in violation of any provision of this article, the owner thereof or the person or firm maintaining same shall, upon written notice of the township zoning administrator remove the sign in case of immediate danger and in other cases make such sign conform to the provisions of this article or shall remove the sign within seven days from receipt of the notice issued by the township zoning administrator.

(Ord. No. 90, § 20.08, 12-24-2016)

Sec. 40-552. - Sign not to obstruct views, etc.

No sign shall obstruct the light or ventilation of any window, fire escape, or other required exit way, or obstruct the view from a driveway, or street intersection. Any such sign shall be deemed unlawful and shall be removed or reconstructed to comply with the provision of this article.

(Ord. No. 90, § 20.09, 12-24-2016)

Sec. 40-553. - Encroachments by projecting signs.

Any sign projection from a building or structure which extends over the property line shall be deemed unlawful and must be removed. In the event there is no possible way to advertise a business without projecting over public property, the zoning board of appeals may grant a variance to the terms of this section.

(Ord. No. 90, § 20.10, 12-24-2016)

Sec. 40-554. - Prohibited signs.

The following signs are prohibited:

- (1) Signs which are determined to be unsafe pursuant to section 40-551.
- (2) Signs which are illegal under state law and regulation.
- (3) Signs not clean and in good repair as determined by the zoning administrator.
- (4) Signs not securely affixed to a substantial structure as determined by the zoning administrator.
- (5) Any sign affixed to a utility pole or tree.
- (6) Any sign placed in the public right-of-way unless permitted as elsewhere provided.
- (7) Display or parking a motor vehicle or trailer upon a lot or premises in a location visible from a public right-of-way, for the primary purpose of displaying a sign attached to, painted on or placed on the vehicle or trailer, with the

exception of vehicles used regularly in the course of conducting the principal use located on the premises.

(8) Any off-premises signs other than directional and billboards.

(9) Signs which incorporate in any manner flashing, blinking, fluttering or moving lights.

(10) Signs which advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located.

(Ord. No. 90, § 20.11, 12-24-2016)

Sec. 40-555. - Periodic sign inspection and inventory.

Periodically, the zoning administrator shall cause to be completed an inventory and inspection of all signs in the township for compliance with the terms of this article and the township building code. A report shall be provided to the planning commission and township board identifying which signs do not comply with the terms of this article and building code and name and date of any removal or repair notices issued by the zoning administrator.

(Ord. No. 90, § 20.12, 12-24-2016)

Sec. 40-556. - Design, construction, erection standards.

(a) *Compliance with township building code.* Any sign, including supporting structure, shall comply with wind, structure, anchorage and other applicable requirements of township building code, current edition. All materials shall conform with the applicable requirements of the township building code, current edition.

(b) *Illumination.* If any sign is illuminated, such illumination must be displayed so as to prevent lights, light rays, or beams of light from impeding the vision of the operator of any motor vehicle. The light must be constant in intensity and color at all times when in use. The light may not illuminate adjacent properties.

(c) *Confusion with traffic control devices prohibited.* No sign shall be erected in such manner or contain lighting as to confuse or obstruct the vision or interpretation of any official traffic sign, signal or device, or resemble in color, shape or design of any official traffic sign, signal or device.

(d) *Setback from public utility facilities.* No sign shall be erected so that any part of the sign or structure is within four feet of any electric pole, light pole, streetlamp, traffic signal support structure or any other public utility of or public service pole or standard.

(Ord. No. 90, § 20.13, 12-24-2016)

Sec. 40-557. - Size, height and location standards.

The size, overall height, distance from ground to sign, the number of signs on each structure, the number of signs per parcel of land, or the district from one sign to another sign along a public road or highway, the setback from property line, and the location of the sign are hereinafter provided for each type of sign:

(1) *Parking lot signs.* No advertising signs shall be erected on required parking spaces except that not more than one directional sign at each point on ingress and egress may be erected which may also bear the name of the operator of the lot and enterprise it is intended to serve. Such signs shall not exceed 20 square feet in areas nor have an overall height above ground of 15 feet and shall not project beyond the property line of the premises.

(2) *Billboards.* All billboards and similar type signs and structures adjacent to interstate and other state highways or roads within the township, and when allowed by this article, shall comply with the following standards:

a. All billboards shall not exceed a maximum size of 672 square feet of sign area excluding border area, trim

and uprights.

- b. No billboard shall be located within 1,000 feet of another sign on the same side of the interstate or highway.
 - c. All billboards shall be setback no less than ten feet from any interstate or primary highway right-of-way line.
 - d. No billboard shall have more than two sign display areas; one each facing opposite directions.
 - e. All billboards shall provide a minimum of six feet open and unobstructed clearance between the ground level and the lowest portion of the sign surface.
- (3) *Ground signs.* All ground signs and similar type signs and structures located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:
- a. No sign shall exceed the maximum building height required in the district in which the property is located.
 - b. Ground signs may be placed at the property line, provided that they do not extend over into the county road right-of-way.
- (4) *Marquee signs.* All marquee and similar type signs and structures located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:
- a. Marquee signs may be attached to the sides or front of a marquee but shall not extend above the fascia of the marquee.
 - b. Signs may hang from a marquee providing no sign shall project over the building line or hang less than eight feet above the sidewalk or ground level whichever is higher.
 - c. No sign shall exceed the maximum building height required in the district in which the property is located.
- (5) *Projecting and roof signs.* All projecting, roof and similar type signs and structures located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:
- a. All signs erected shall provide for a minimum clear space of not less than five feet between the lowest part of the sign and the roof level, except for necessary structural supports and braces.
 - b. No roof sign shall be placed within three feet of the outer wall of the building.
 - c. No sign shall be erected which exceeds 20 feet above any parapet, wall or eave line of the building on which is attached.
 - d. The sign area shall not exceed one square foot for each lineal foot of road frontage of the parcel on which the sign is to be erected.
- (6) *Wall signs.* All wall and similar type signs and structures located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:
- a. No wall sign shall exceed 12 inches in thickness.
 - b. The maximum length of the sign shall not exceed 50 percent the length of the wall upon which it is erected.
 - c. No sign shall exceed the maximum building height required in the district in which the property is located.
- (7) *Directional signs.* All directional signs and similar type structures located within any zoning district in the township, and when allowed by the article, shall comply with the following standards:
- a. No directional sign shall be located in the road right-of-way.
 - b. The sign area shall not exceed four square feet in area.
 - c. The sign shall be limited in content to the name of the business or event, distance in miles and a directional arrow.
 - d. Sign shall be placed within a two-mile radius from the business or event.
 - e. If signs are clustered, the total square footage of signage shall not exceed 12 square feet.

f. Directional signs must be 2,000 feet from any other directional sign unless the direction of travel changes.

(Ord. No. 90, § 20.14, 12-24-2016)

Sec. 40-558. - Temporary signs.

All temporary and similar type signs and structures located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:

- (1) Temporary signs shall be permitted by the zoning administrator for a period not to exceed 60 days.
- (2) Temporary signs shall not exceed six square feet in sign area.
- (3) Temporary signs shall be constructed of such material and erected in such fashion as not to be or become unsafe during the 60-day permitted time period.
- (4) An application for a temporary sign permit shall identify the location of the sign and the zoning administrator shall certify that the location of the proposed temporary sign is in conformance with all other terms of this article.
- (5) The applicant shall provide written evidence of permission to erect such sign if the applicant does not own the property on which the sign is to be erected.
- (6) The applicant shall, upon expiration of the 60-day temporary permit, remove the sign. Failure to remove a temporary sign shall be a violation of this article and may serve as the basis for denial of request for future temporary permits made by the applicant.

(Ord. No. 90, § 20.15, 12-24-2016)

Sec. 40-559. - Property identification signs for developments.

A special land use permit is required for the erection of a property identification sign that is greater than ten square feet for the purpose of identifying existing condominium developments, apartment complexes, subdivisions or similar residential developments. One sign is permitted per entry/exit of the development. New developments that include a property identification sign shall not need a special land use permit if the sign is included and approved with the preliminary plat, final plat and site plan. No permitted sign may be placed in the county road right-of-way.

(Ord. No. 90, § 20.16, 12-24-2016)

Sec. 40-560. - Mobile sign standards.

All mobile and similar type signs located within any zoning district in the township, and when allowed by this article, shall comply with the following standards:

- (1) Mobile signs shall be permitted by the township board for a period not to exceed 60 days.
- (2) Mobile signs shall not exceed six feet tall by eight feet wide in sign area.
- (3) Mobile signs shall be constructed of such material and erected in such fashion as not to be or become unsafe during the 60-day permitted time period.
- (4) An application for a mobile sign permit shall identify the location of the sign and the zoning administrator shall certify that the location of the proposed temporary sign is in conformance with all other terms of this article.
- (5) The applicant shall provide written evidence of permission to erect such sign if the applicant does not own the property on which the sign is to be erected.

(6) The applicant shall, upon expiration of the 60-day temporary permit, remove the sign. Failure to remove a mobile sign is a violation of this article and may serve as the basis for denial of request for future mobile sign permits made by the applicant.
(Ord. No. 90, § 20.17, 12-24-2016)

Secs. 40-561—40-583. - Reserved.

ARTICLE VI. - HOME OCCUPATIONS

Sec. 40-584. - Intent.

- (a) It is the intent of this article to recognize that certain commercial activities can be operated within a residential dwelling with no or minimal adverse impact upon surrounding neighbors. Such minor home occupations may be carried out within a principal permitted use in a residential district when specifically listed as an accessory permitted use for the district in which the property is located. Minor home occupations are characterized as computer and telephone-based businesses where there is no or limited customer or client traffic into the home occupation. Examples of a minor home occupations include, but are not limited to, real estate agent, insurance sales agents, consultants, financial planners, stockbrokers, etc.
- (b) It is also recognized that the conduct of other business operations as home occupations are desirable to selected occupants of dwellings in residential districts; however, such business activities may cause increased traffic, noise, outdoor storage requirements, etc., in the neighborhood but, if controlled, may be compatible with residents of the neighborhood. Major home occupations are characterized as those businesses which provide customer or client services on pre-established or published schedule of store or services hours or provide such services on a regular scheduled basis in the home occupation. Example businesses include the sales of any goods or the provision of services and includes, but are not limited, to sales of health products and vitamins, cookware, novelty items (typically made by the resident of the home occupation), barber and beauty shops, massage and physical therapy centers, doctor and dentist offices, offices of lawyers and similar professions, and other similar business. Where allowed as special uses approved by the township board, reasonable conditions may be placed on the business operation to assure compatibility of the business operation with neighborhood residential needs.

(Ord. No. 90, § 21.01, 12-24-2016)

Sec. 40-585. - Minor home occupation permitted by right.

A minor home occupation meeting the definition and standards of this chapter shall be permitted by right only in those districts where stated. The standards are as follows:

- (1) Minor home occupations shall be allowed only in principal use single-family dwellings.
- (2) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (3) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate of its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in conducting the home occupation.
- (4) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conducting of such home occupation other than one sign, not exceeding four square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- (5) No traffic shall be generated by such home occupation in greater volumes than would be normally expected in a

residential neighborhood, and any need for parking generated by the conducting of such home occupation shall not exceed normal single-family parking requirements.

- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

(Ord. No. 90, § 21.02, 12-24-2016)

Sec. 40-586. - Special land use permit required for major home occupations.

A major home occupation meeting the definition and standards of this chapter shall be permitted upon issuance of special land use permit by the township board in only those districts where stated. The standards are as follows:

- (1) No person other than members of the family residing on the premises and one non-related person living elsewhere shall be engaged in such occupation.
- (2) The use of the dwelling unit or accessory use building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and the use of the residence shall not occupy more than 25 percent of the floor area of the dwelling unit, and any accessory use shall not be greater than 50 percent of the floor area of the residence.
- (3) There shall be no change in the outside appearance of the building or accessory use structure or other visible evidence of the conducting of such home occupation other than one sign, not exceeding four square foot in area, non-illuminated, and mounted flat against the wall of the principal or accessory use building.
- (4) No traffic shall be generated by such home occupation of a volume that would disrupt the residential neighborhood, and any need for parking generated by the conducting of such home occupation shall be met by the provision of off-street parking in an amount prescribed in article IX of this chapter for the commercial business activity to be conducted as the home occupation in the side or rear yard located to the rear of the front building line of the residential building or in accordance with any special land use permit issued by the township board.
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (6) Major home occupations included, but are not limited to:
 - a. Day care centers, when operated as a home occupation;
 - b. Bed and breakfast operations, when operated as a home occupation;
 - c. Sale, manufacture and assembly of craft goods made on premise, automobile repair and other related services are not considered home occupations under the terms of this section.

(Ord. No. 90, § 21.03, 12-24-2016)

Sec. 40-587. - Prohibition of ammunition and ammunition materials.

Use, storage or sale of ammunition or the materials necessary for the manufacture of ammunition is prohibited in a minor or major home occupation.

(Ord. No. 90, § 21.04, 12-24-2016)

Secs. 40-588—40-607. - Reserved.

ARTICLE VII. - MINERAL REMOVAL

Sec. 40-608. - Intent.

The intent of this article is to:

- (1) Ensure that nuisances and hazards are not created due to the removal of sand, gravel, topsoil, clay, marl, minerals or deposits of such materials, including any wastes and fill materials and that property will be left in a usable condition when such operation is completed; and
- (2) Recognize the consideration of adverse effect upon property values as a criterion in limiting permits for such operations.

(Ord. No. 90, § 22.01, 12-24-2016)

Sec. 40-609. - Permit required.

- (a) Sand, gravel, topsoil, clay, marl, minerals or other similar material herein referred to as earth solids, and waste or fill material in excess of 100 cubic yards in one year, shall not be removed, deposited or relocated in or from lands in township, without a permit issued by the township board.
- (b) This article shall not apply to removal or relocation of earth solids in connection with:
 - (1) Removal or relocation directly necessary to a building when a building permit has been issued and is in effect for such project, with a limit of 4,000 cubic yards.
 - (2) Construction, operation and maintenance by public utilities.
 - (3) Construction, operation and maintenance by governmental agencies and municipal corporations.
 - (4) Uses accessory to another lawful use, including parking, landscaping, gardening and similar accessory uses to a maximum of 800 cubic yards of earth solids.
 - (5) Projects incidental to an accessory to farming operations.
 - (6) Residential construction and improvements carried out pursuant to a plat duly approved and recorded pursuant to the Land Division Act, MCL 560.101 et seq., or the Condominium Act, MCL 559.101 et seq.

(Ord. No. 90, § 22.02, 12-24-2016)

Sec. 40-610. - Districts where mineral removal is allowed.

Mineral removal shall be allowed to be conducted upon issuance of a mineral removal permit issued pursuant to the procedures for issuance of a special use permit by the township board in the AG-P Primary Agriculture and M-1 and M-2 Industrial Districts.

(Ord. No. 90, § 22.03, 12-24-2016)

Sec. 40-611. - Contents of the permit application.

Any person desiring to obtain a mineral removal permit shall first file a written application therefor with the township clerk, including all information required by article X of this chapter, including:

- (1) Names and address of petitioner.
- (2) Legal description of land involved.
- (3) Maximum amount of material to be moved, removed, deposited or relocated.
- (4) Type of material to be moved, removed, deposited or relocated or used for fill material.
- (5) Measures to be taken by applicant to control noise, vibration, dust and traffic.
- (6) A description of any traffic control devices, public facilities or public services which will be required by the proposed operations and a statement as to how and by whom the applicant proposes that the cost be paid.
- (7) Any measures which the applicant proposes to take to ensure public safety, the exclusion of children and the lateral support of surrounding land and structures.
- (8) The time required for the proposed operations.
- (9) A detailed description, by maps or otherwise, showing the contour and conditions of the lands as the applicant proposes to leave them upon completion of the operations. This shall include a statement of any landscaping to be done or other stabilization control to be employed to leave the premises in a reasonably level and usable condition, and to prevent erosion, dust and unsightly conditions.

(Ord. No. 90, § 22.04, 12-24-2016)

Sec. 40-612. - Review of application.

Upon receipt of a complete application, the application shall be transmitted forthwith by the township clerk to the planning commission for its advice and recommendation, and no action shall be taken by the township board until the township clerk has received a report from the planning commission. The recommendation of the planning commission shall not be binding upon the township board. Either the township board or the planning commission may make suggestions regarding amendment of the application by the applicant, and no application which has been amended in pursuance of any such suggestion need to be referred to the planning commission a second time as a result of such amendment.

(Ord. No. 90, § 22.05, 12-24-2016)

Sec. 40-613. - Standards for issuance of permit.

No permit shall be issued unless the township board, after considering the application and the recommendation of the planning commission, if any, and after giving the applicant an opportunity to be heard in person or by counsel, shall find that the proposed operations will:

- (1) Not likely cause any dangerous, unsanitary, or unhealthy conditions;
- (2) Impose no undue financial burden on the township;
- (3) Not likely create any public nuisance;
- (4) Not likely be conducted in violation of any state laws or township ordinances;
- (5) Have adequate assurances in place that the premises will be left in such condition as will protect the site and lands from erosion;
- (6) After completion of the operation, the lands will be at least as usable for the purposes permitted by this chapter as at the time of granting of the permit;

(7) The operation will not have any permanent material adverse impact upon the surrounding neighborhood and town

(8) Any other factors which may bear on the public health, safety, welfare in the particular situation have been adequately addressed.

(Ord. No. 90, § 22.06, 12-24-2016)

Sec. 40-614. - Application terms and conditions.

The township board shall include in any permit issued only for the lands described in the application, specific reasonable terms, conditions and requirements for removal and relocation of earth solids, waste or fill material, including the condition and contours in which the premises or lands shall be left at the termination of the permitted project. When it is appropriate, ground covers and similar conservation practices, in accordance with the recommendation or guidelines set by the U.S. Soil Conservation Service, MEQD or the county drain commissioner, shall be required for the restoration and preservation of the premises.

(Ord. No. 90, § 22.07, 12-24-2016)

Sec. 40-615. - Term of permit and renewal.

Permits shall be effective for a period of one year only, unless some other shorter term shall be stated in such permit. Upon reapplication, the permit may be renewed. The township board shall establish procedures for the annual review of operations and issuance of any renewal as a condition of the permit when requested by the applicant, otherwise a renewal request shall be processed in similar fashion as a new application.

(Ord. No. 90, § 22.08, 12-24-2016)

Sec. 40-616. - Performance bond required.

As a condition of granting the permit, the township board shall require an applicant to post a surety bond, or other adequate assurances, in such reasonable amount and upon such reasonable terms as the township board may determine, taking into consideration the scale of the operation, cost involved in rehabilitation, court costs and other reasonable expenses, for the purpose of assuring the public that the terms and conditions of the permit as issued will be complied with. The form of such bond or assurance shall be approved by the township attorney.

(Ord. No. 90, § 22.09, 12-24-2016)

Sec. 40-617. - Written decision issued to applicant.

When the township board reaches a decision on the application, the applicant shall be advised thereof in writing by clerk.

(Ord. No. 90, § 22.10, 12-24-2016)

Sec. 40-618. - Revocation or suspension of permit.

A permit may be revoked upon finding by the township board that:

(1) The applicant operates in any manner inconsistent with the statements in the application or by amendment thereto or fails to comply with any special requirements which the township board may order set forth in the permit to protect the public health safety and welfare in the general circumstances of the situation.

(2) It appears that any of the findings of compliance with the standards set forth in section 40-613 could not be

made if the matter were then before the township board for decision.

(Ord. No. 90, § 22.11, 12-24-2016)

Sec. 40-619. - Notification of intent to revoke permit and hearing.

The applicant shall be given written notice, mailed or personally served, at least five days prior to the date of the meeting of the township board at which revocation is considered, and shall be granted the opportunity to be heard in person or by counsel. The notice shall specify the date, time and place of the meeting at which revocation will be considered and inform the applicant of the reason or reasons why the revocation is under consideration and of the applicant's right to be heard either in person or by counsel. Revocation of a permit shall not exempt the applicant from punishment for violation of this article as hereinafter provided.

(Ord. No. 90, § 22.12, 12-24-2016)

Secs. 40-620—40-641. - Reserved.

ARTICLE VIII. - COMMUNICATION TOWERS

Sec. 40-642. - Intent.

- (a) The purpose of this article is to establish general guidelines for the siting of communication towers as defined herein. The goals of this article are to:
- (1) Protect residential areas and land uses from potential adverse impacts of towers;
 - (2) Encourage the location of towers in nonresidential areas;
 - (3) Minimize the total number of towers throughout the township;
 - (4) Strongly encourage co-location, the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (5) Encourage users of towers to locate them, to the extent possible, in areas where the adverse impact on the township is minimal;
 - (6) Encourage users of towers to configure them in a way that minimizes the adverse visual impact of the towers through careful design, siting, landscape screening and innovative camouflaging techniques;
 - (7) Enhance the ability of the providers of telecommunications services to provide such services to the township quickly, effectively, and efficiently;
 - (8) Consider the public health and safety aspects of communication towers; and
 - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (b) In furtherance of these goals, the township board shall give due consideration to the township master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers.

(Ord. No. 90, § 23.01, 12-24-2016)

Sec. 40-643. - Towers prohibited within 4,000 feet of Paw Paw and Little Paw Paw Lakes.

It is the intent of this article to prohibit the location of any tower permitted pursuant to this article from locating within 4,000 feet of the shoreline of Paw Paw or Little Paw Paw Lake, in order to protect the visual and recreational qualities of the township. The township board may, upon findings that there is no co-location opportunity and that there is no other feasible location, permit the location of a tower within the restricted area. Any such location shall be approved with such necessary conditions to minimize the impact on views and environmental impact.

(Ord. No. 90, § 23.02, 12-24-2016)

Sec. 40-644. - Policy of co-location and feasibility of co-location.

Co-location shall be the preferred means for the location of any antenna or antenna arrays in township. A new tower shall not be permitted while the township board deems co-location to be feasible. Co-location is feasible for purposes of this section where all of the following are met:

- (1) The communication tower owner or operator will charge reasonable market rent of or accept other reasonable compensation from the communication provider entity seeking co-location on the tower.
- (2) The site upon which co-location is being considered, taking into consideration reasonable modification or replacement of the facility, is able to provide structural support for the co-location.
- (3) The co-location being considered is technologically reasonable (e.g., the co-location will not result in unreasonable interference) given appropriate physical and other adjustments in relation to the structure, antennas, and the like.
- (4) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the township board, taking into consideration the several standards contained in this section.

(Ord. No. 90, § 23.03, 12-24-2016)

Sec. 40-645. - Application requirements for special land use permit.

In addition to the information required for applications for special land use permits under article X of this chapter, applicants for a special land use permit for a communication tower shall submit the following information:

- (1) A statement describing the feasibility of co-location. If co-location is unavailable or not practical the applicant shall provide a statement which identifies the facts, characteristics or circumstances which render co-location unavailable or technically not practical for the coverage area and capacity needs. Any such documentation must be verified by a licensed professional engineer in the state.
- (2) A map indicating the zoning classification of all other properties within a two-mile radius of the proposed site.
- (3) An engineering drawing of the tower design signed by a state licensed professional engineer or structural engineer verifying that the tower design meets all wind load and soil load bearing requirements for the intended site.
- (4) A proposed maintenance plan, any proposed applicable maintenance agreement, and a proposed plan for removal of the tower when it is no longer used. The plans or agreements shall be presented and approved as part of the site plan for the proposed facility. Such plan or agreement shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard and provide for removal of any structures when they become economically or functionally obsolete or abandoned and may pose potential hazards if left standing.
- (5) The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated by the applicant during all times the facility is on

the premises.

- (6) A list of all property owners within a 1½-mile radius of the proposed site.
- (7) A map showing the locations, name and address of the owners or operators of any other communication towers within the township and any other tower within a five-mile radius of the proposed site not within the township, with each map identifying any other co-location utilized on each tower.
- (8) Evidence of proper access from a public or private road either by deed or easement.

(Ord. No. 90, § 23.04, 12-24-2016)

Sec. 40-646. - Standards and conditions required for permit issuance.

In addition to the general standards for a special land use permit set forth in article X of this chapter, the township board shall consider the following standards and conditions in determining whether to issue a special land use permit hereunder; although, the township board may waive or reduce the burden on the applicant of one or more of these standards and conditions if the township board concludes that such a waiver or reduction is consistent with the purposes of this section:

- (1) The height of the tower shall not exceed 200 feet from grade if located within the C-1 zoning district, or 300 feet from grade if located within an M-1, M-2 or AG-T or AG-P zoning district.
- (2) The proposed site shall meet the minimum lot size of the zoning district it is located in. If the site does not have direct public or private road frontage, it shall have accessibility by a recorded easement meeting the reasonable satisfaction of the township board as to its adequacy.
- (3) The use of guy wires is prohibited. All towers shall be self-supporting.
- (4) The base of the tower shall be fenced with a cyclone or other approved fence with a minimum height of six feet and shall be constructed in conformance with applicable township ordinance requirements.
- (5) The site shall have an access road or driveway.
- (6) The tower owner or operator shall offer space on the tower for communication devices for local non-profit agencies such as schools, ambulances, fire, city or township, etc.
- (7) The tower must be setback from all property lines a distance equal to its height plus 20 feet, unless engineering plans and specifications have been verified by the township engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall bear all costs associated with the township engineering review. If the above condition is met, the minimum distance from tower to property line shall be 75 feet.
- (8) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet).
- (9) Accessory structures shall not exceed 600 square feet of gross building area.
- (10) The division of property for the purpose of locating a communication tower is prohibited unless all zoning requirements and conditions are met. Any division of property shall meet the standards of this chapter A lease of land for more than one year is considered a division of property.
- (11) The tower foundation and construction plans shall be certified by a structural engineer licensed in the state.
- (12) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a licensed professional engineer in the state and that the installation is in compliance with all applicable codes.
- (13) The applicant shall show evidence that the standards of the state, department of transportation, federal aviation

administration and the federal communications commission have been met.

- (14) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (15) Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- (16) All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure or between towers shall be at least eight feet above the ground at all points, unless buried underground.
- (17) Towers shall be located and designed so that they do not interfere with telephone, radio, and television reception in nearby residential areas.
- (18) Towers shall be located so as to allow maintenance vehicles to maneuver on the property.
- (19) The base of the tower shall occupy no more than 500 square feet.
- (20) Minimum spacing between communication tower locations shall be two miles to prevent a concentration of towers in the township.
- (21) Towers shall be artificially lighted only to the extent required by the FAA, or by the township board, whichever is greater. Where possible, considering all restrictions, any such lighting should not unduly interfere with the peace and repose of the surrounding land uses, whether or not in the same zoning district.
- (22) Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (23) No advertisement or identification of any kind, except as required for emergency purposes, shall be displayed or erected on the property.
- (24) The antenna shall be painted to match the exterior treatment of the tower. The paint scheme shall minimize the off-site visibility of the antenna and tower.
- (25) There shall be no employees located on the site. Occasional or temporary or repair service activities are excluded from this restriction.
- (26) Where the property adjoins any residentially zoned property or land used primarily for residential purposes, the developer shall plant and maintain, until the time of removal of the tower and related structures, two alternating rows of evergreen trees having a minimum height, at time of planting, of five feet on ten-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than 20 feet to any structure.
- (27) All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
- (28) The site and tower shall be maintained in compliance with all applicable federal, state or local laws, codes and ordinances. The township may require landscaping or other improvements to the site so as to minimize the aesthetic, or other damage the tower causes to the surrounding properties.
- (29) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive standards are adopted in the future the antenna shall be made to conform to the regulation within 30 days or the permit approval will be subject to revocation by the township board. All costs for testing and verification of compliance shall be borne by the operator of the antenna.
- (30) To secure the removal of an abandoned or obsolescent communication tower, the township board shall require the applicant to file with the township clerk a bond or other suitable financial instrument, payable to the township, in an amount determined by the township board to be sufficient to cover the cost of removal of the

communication tower and any accessory structures and the remediation of the subject site when the tower becomes obsolescent or abandoned. The form of this guarantee shall be approved by the township attorney.

(Ord. No. 90, § 23.05, 12-24-2016)

Sec. 40-647. - Removal of abandoned facilities.

When a communication tower has not been used for a period of 90 days or has become functionally obsolete, all parts of the facility shall be removed by its owner within 180 days thereafter. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of radio signals shall be the beginning of non-use. If not removed within the above 180-day period, the township may, at its sole discretion, enter the property and cause the removal of the structures. The township shall give the applicant or its successor in interest in the communication tower as identified pursuant to this article not less than 30 days prior written notice by first class mail that such action will be taken by the township if the structures is not otherwise removed from the site. All costs, including attorney's fees associated with the removal of the structures by the township, shall, to the extent they are not covered by the bond filed with the township, be charged to and paid by the owner of the structures.

(Ord. No. 90, § 23.06, 12-24-2016)

Secs. 40-648—40-667. - Reserved.

ARTICLE IX. - PARKING AND LOADING REQUIREMENTS

Sec. 40-668. - General requirements for off-street parking.

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

- (1) *Determination of minimum number of spaces.* The minimum number of off-street parking spaces shall be determined in accordance with section 40-669. For uses not specifically mentioned therein, off-street parking requirements shall be established by the zoning administrator from requirements for similar uses.
- (2) *Prohibition against changing parking/loading spaces.* Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of the ordinance from which this article is derived in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.
- (3) *Collective use of single parking/loading area.* Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the township board may grant a special land use permit based on the peak hour demand.
- (4) *Use restrictions.* Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise or motor vehicles for sale, or the repair of vehicles, is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot without crossing any major street.
- (5) *Minimum residential parking space requirements.* Each single-family dwelling shall have a minimum of two hard

surfaced parking spaces (excluding any garage parking); each two-family dwelling must have a minimum of four hard surfaced (asphalt, concrete, seal coat or compacted gravel of stone) parking spaces (excluding any garage parking); and each multifamily dwelling unit must have a minimum of two hard surfaced parking spaces (excluding any garage parking) for each dwelling unit located on the parcel.

(Ord. No. 90, § 24.01, 12-24-2016)

Sec. 40-669. - Table of required off-street parking spaces.

Use	Spaces Required	Unit of Measurement
Multiple residential	1	Bedroom
Other residential, including dwelling units, in all other types of buildings	2	Dwelling unit
Hospitals, homes for aged, convalescent homes	2	Each bed
Private clubs	1	100 square feet usable floor area
Tourist homes, motels	1.2	Each rooming unit
Houses of worship, mortuaries	1	4 seats, or <u>28</u> square feet of usable floor area of auditorium, whichever is greater
High and middle schools	1	Per teacher, employee, and administrator, plus 1 space per ten students, or <u>28</u> square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Elementary, junior high schools	1	Per teacher, employee, and administrator, plus 1 space per ten students, or <u>28</u> square feet of usable floor area of largest auditorium or other public assembly room, whichever is greater
Dance halls and assembly halls	1	Per 100 square feet of usable floor area without fixed seats
Banks, business offices	1	Per 200 square feet of usable floor area, plus 1 parking space for each employee
Office of architects, attorneys insurance offices, accountants,	1	Space per 500 square feet of floor area, plus 1 parking space per employee
Professional office of dentists and physicians	7	First dentist or physician
	3	Second dentist or physician
	2	Third dentist or physician
	1	Each additional dentist or physician
Stadiums and sports arenas	1	4 seats or 12 feet of benches
Bowling alleys	5	Lane
Nonresidential swimming pools	1	30 square feet of water area surface
Establishments for sale and consumption on the premises of beverages, food, or refreshment	1	100 square feet of usable floor area
Hotel, roominghouse	1	Each rooming unit
Retail stores	1	150 square feet of usable floor area except as otherwise specified herein
Beauty parlor or barbershop	2	Barber or beauty shop chair
Furniture and appliance retail stores; household equipment repair shops showroom of a plumber, decorator, electrical or similar trade; clothing and shoe repair; cleaners and laundry; motor vehicles sales room	1	1 space per 500 square feet of useable floor area; occupied in processing or manufacturing, for which requirements see industrial establishments below

Industrial establishments, including manufacturing; research and testing laboratories; creameries, bottling works, printing, plumbing, electrical workshops; telephone exchange buildings	1	1 space per employee, computed on the basis of the greatest number of persons employed at any one period during the day or night
Marina	1	Per two boat slips

(Ord. No. 90, § 24.02, 12-24-2016)

Sec. 40-670. - Off-street parking lot layout, construction, and maintenance.

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

- (1) Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk, or alley, and so that any automobile may be parked and un-parked without moving another. Each parking space shall comprise a net area of at least ten feet by 20 feet.
- (2) For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the municipality.
- (3) Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives.
- (4) Parking spaces in nonresidential districts will be setback from abutting residential districts as follows:
 - a. Ten feet from each side lot line.
 - b. A front lot line setback equal to the adjoining residential required setback, or, if no adjoining residential district exists, the setback will be equal to the setback requirements of the district in which the lot is located.
 - c. Ten feet from each rear lot line.
- (5) The land between the setback line and the lot line in a parking lot is, for the purpose of this article, called a buffer strip. There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.
- (6) Where buffer strips are not required, bumper stops or wheel chocks shall be provided and so located as to prevent any vehicle from projecting over the lot line.
- (7) Where the parking lot boundary adjoins property zoned for residential use, a suitable fence shall be provided but shall not extend into the required front open space of the abutting residential lot. Height limits of [section 40-496](#) shall apply to such fences.
- (8) The parking lot shall be drained to eliminate surface water.
- (9) The surface of the parking lot, including drives and aisles, excepting the buffer strips, shall be constructed of asphalt, concrete, or seal coat for properties bordering Friday Road north of Mountain Road, Paw Paw Lake Road, Paw Paw Avenue, Red Arrow Highway east of Church Street and Coloma Road east of Sassafrass Street. The surface of the parking lots, including drives and aisles on properties bordering all other streets in the township, shall be constructed of asphalt, concrete, seal coat or compacted gravel.
- (10) Parking structures may be built to satisfy off-street parking regulations when located in other than residential

districts, subject to the area, height, bulk, and placement regulations of such district in which located.

(11) A plan for all new off-street parking lots shall be required, specifying the landscaping to be installed in the buffer strip, including the placement and specifications of landscape materials, and shall be subject to approval by the zoning administrator. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, completion of the buffer strips may be deferred for not more than six months. In reviewing and approving plans for the landscaping and improvement of required buffer strips, the zoning administrator shall be guided by the following criteria:

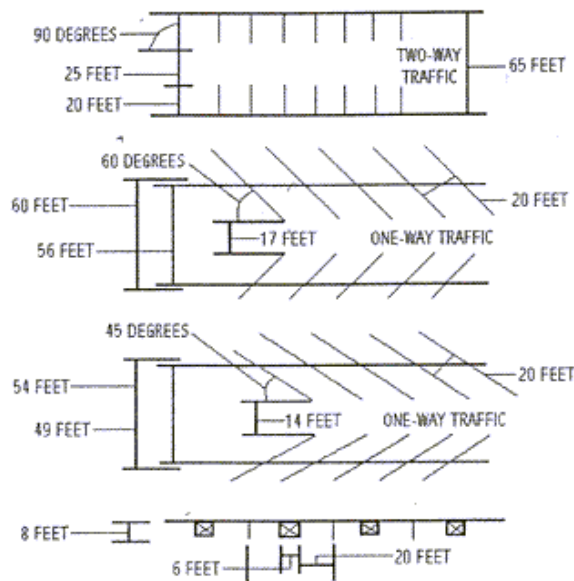
- a. The buffer strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
- b. The owner of the premises upon which the buffer strip is located shall maintain such landscaping in good condition so as to present a thriving, neat, and orderly appearance, free from refuse and debris. All diseased and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first.

(12) Handicap spaces shall be provided as required by state and federal law and regulation.

(Ord. No. 90, § 24.03, 12-24-2016)

Sec. 40-671. - Parking layout and design standards.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, wholesaling, or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of highways, streets, or alleys.



PARKING LAYOUT

(Ord. No. 90, § 24.04, 12-24-2016)

Secs. 40-672—40-700. - Reserved.

ARTICLE X. - SPECIAL LAND USES

Sec. 40-701. - Purpose.

- (a) Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but which possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this article shall be in addition to those required elsewhere in this chapter which are applicable to the special land use under consideration.
- (b) This article requires the township board to issue special land use permits, provided that:
- (1) The proposed use is one listed as a special land use for that district in which the use is proposed to be located; and
 - (2) The township board ensures, before approving a special land use permit request, that both:
 - a. The standards of the district in which the special land use is to be located are fulfilled; and
 - b. The standards or other requirements of this article are fully complied with.

(Ord. No. 90, § 25.01, 12-24-2016)

Sec. 40-702. - Application, review and approval/denial procedures.

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

- (1) *Application.* Any person owning or having a legal interest in the subject property may file an application for one or more special land use permits provided for in this chapter in the zoning district in which the land is situated.
- (2) *Need determination by zoning administrator.* When the zoning administrator receives an application for a building permit which requires a township board special land use permit, or other approval, he shall so inform the applicant.
- (3) *Application filing with clerk.* Applications for special land use permits shall be submitted to the township clerk addressed to the township board. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the township board to cover the costs of processing the application.
- (4) *Application contents.* Three copies of an application for a special land use permit shall be presented to the township clerk and accompanied by, but not limited to, the following documents and information:
 - a. A special land use permit application form, supplied by the township clerk, which has been completed in full by the applicant.
 - b. A site plan in conformance with article XII of this chapter.
 - c. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in section 40-703 and other standards imposed by this chapter affecting the special land use under consideration.
- (5) *Incomplete application.* An application which is incomplete or otherwise not in compliance with this article shall not be accepted and be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
- (6) *Planning commission review.* The township clerk shall forward a copy of the application for the special land use

request to the township planning commission within seven days of receiving the request. The planning commission shall review the application in compliance with section 40-703 and shall refer comments and recommendations to the township board for consideration. All comments or recommendations shall be advisory and be submitted in writing to the township board.

- (7) *Public hearing and notice requirements.* After a preliminary review of the site plan and an application for a special land use permit, the township planning commission shall hold a hearing on the site plan and special land use request. Notice of the hearing shall be given in accordance with applicable statutory requirements. The public hearing and notice requirements are the following:
- a. Describe the nature of the special land use request;
 - b. Indicate the property, which is the subject of the special land use request;
 - c. State when, where, and at what time the public hearing on the special land use request will be considered; and
 - d. Indicate when and where written or oral comments will be received concerning the request.
- (8) *Township board review and approval/denial.* The review of an application and site plan requesting a special land use permit shall be made by the township board in accordance with the procedures and standards specified in section 40-703. If a submitted application and site plan do not meet the requirements of this article, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with this article, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating the changes. A site plan and application for a special land use permit shall be approved by the township board if they comply in all respects with the requirements of this article and other applicable county, state, or federal laws, rules, or regulations. Approval and issuance of a special land use permit shall signify prior approval of the application and site plan therefore, where necessary to comply with this article. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such. The decision to approve or deny a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify the basis for the decision, any changes to the originally submitted applications and site plan necessary to ensure compliance with this article, and any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to article requirements receives the mutual agreement of the landowner and the township board and is documented as such.
- (9) *Issuance of a special land use permit by zoning administrator.* Upon approval by the township board, the zoning administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the zoning administrator to monitor compliance with the terms, conditions, and restrictions of any special land use permit and take any enforcement action necessary in the event of a violation of the special land use permit.

(Ord. No. 90, § 25.02, 12-24-2016)

Sec. 40-703. - Standards for approval.

Prior to approval of a special land use application and required site plan, the township board shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this article, shall be satisfied by the completion and operation of the special land use under consideration.

- (1) *General standards.* The township planning commission shall review the particular circumstances of the special

land use request under consideration in terms of the following standards, and shall recommend for approval by the township board a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this article that the special land use shall:

- a. Be designed, constructed, operated, and maintained in a manner reasonably harmonious with the character of adjacent property and the surrounding area;
 - b. Not inappropriately change the essential character of the surrounding area;
 - c. Not unreasonably interfere with the general enjoyment of adjacent property;
 - d. Not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, light, or glare;
 - e. Be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration;
 - f. Not place demands on public services and facilities in excess of available capacity; and
 - g. Be consistent with the intent and purpose of this chapter and the objectives of any currently adopted master plan.
- (2) *Township board may add conditions to approval.* The township board may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the zoning administrator. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- (3) *Performance guarantee.* In authorizing a special land use permit, the township board may require that a cash deposit, certified check, or irrevocable bank letter of credit, or other type of performance bond in such form as approved by the township attorney be furnished by the applicant to ensure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the township clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the township board shall limit it to reasonable improvements required to meet the standards of this chapter and to protect the 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, including, but not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval, or the improvements for which a performance guarantee has been deposited pursuant to the Land Division Act, MCL 560.101 et seq. The township board and the applicant shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. The agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

(Ord. No. 90, § 25.03, 12-24-2016)

Sec. 40-704. - Effective date of permit.

The special land use permit shall become effective when the application has been approved by the township board.

- (1) A building permit shall not be issued until approval of such special land use permit by the township board.
- (2) Until a building permit has been granted pursuant to the special land use permit, there shall be no construction or excavation of the land, nor shall use of the land be made toward the intended purposes of such special land use permit.
- (3) Land subject to a special land use permit may not be used or occupied for purposes of such special land use until after a certificate of occupancy for same has been issued pursuant to the provisions of this article.

(Ord. No. 90, § 25.04, 12-24-2016)

Sec. 40-705. - Succession and abandonment of permit.

- (a) Approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.
- (b) In instances where development authorized by a special land use permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the township board shall review the permit in relation to the applicable standards and requirements of this article. Upon a finding that there has been a change in conditions on the property or to the surrounding area or in provisions of this article applicable to the special land use permit under review, such that the permit is no longer in conformance with the requirements of this article, the permit shall become null and void. Where it is determined that such permits are in conformance with the provisions of this article and there has not been a change in conditions affecting the validity of the permit, the special land use permit shall remain valid, subject to periodic review in accordance with the provisions of this subsection.

(Ord. No. 90, § 25.05, 12-24-2016)

Sec. 40-706. - Requirement for compliance; penalties.

It shall be the duty and obligation of the owners and occupants or operators of land and uses subject to a special land use permit and approved site plan therefor, that the continued use of such land shall at all times be in compliance with the use requirements of this article. Failure thereof shall be a violation of this article and subject the violators to the penalties and remedies provided in this article, and the continuance thereof is declared to be a nuisance per se.

(Ord. No. 90, § 25.06, 12-24-2016)

Sec. 40-707. - Once granted a special land use permit, the use is a permitted use.

Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located, provided that:

- (1) Such permit was issued in conformity with the provisions of this article;
- (2) Such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted; and
- (3) Such permit authorizes a use which is subsequently built, operated, and maintained in compliance with this article, the special land use permit, and all conditions established with its approval.

(Ord. No. 90, § 25.07, 12-24-2016)

Sec. 40-708. - Specific requirements.

The foregoing general requirements are basic and apply to all special land uses. Specific requirements listed in the schedule of district regulations or elsewhere in this chapter relating to particular special land uses are in addition to and shall be required in all applicable situations.

(Ord. No. 90, § 25.08, 12-24-2016)

Secs. 40-709—40-729. - Reserved.

ARTICLE XI. - PLANNED UNIT DEVELOPMENT

Sec. 40-730. - Intent.

- (a) The intent of this article is to provide a degree of flexibility with regard to the use, area, height, bulk, and placement regulations for relatively large-scale developments which qualify as planned unit developments. These may include, but are not limited to, housing developments, shopping centers, industrial districts, office districts, and medical and educational campuses.
- (b) The use, area, height, bulk, and placement regulations of this article are primarily applicable to the usual situation of one principal building on one lot. These requirements would in certain large developments have results which would less serve the public health, safety, and welfare than if a controlled degree of flexibility were allowed. As an example, a large-scale residential development might better serve the public health, safety, and welfare if a portion of the open space requirement for individual dwellings were consolidated into playgrounds or community parks.
- (c) A development may be of such large size as to justify permitting certain incidental uses not normally permitted in the zoning district. Permitting these uses as special land uses can in certain cases increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties. As an example, a large office building or multiple-family development might include a coffee shop, food store, or barbershop primarily intended for occupants or residents of the premises.

(Ord. No. 90, § 26.01, 12-24-2016)

Sec. 40-731. - Minimum requirements.

All planned unit developments shall comply with the schedule of district regulations for the zoning district in which subject properties are located, unless incentive allowances are approved by the township board pursuant to section 40-738 and such special land uses and exceptions are approved by the township board pursuant to section 40-737.

(Ord. No. 90, § 26.02, 12-24-2016)

Sec. 40-732. - Inclusion of special land uses and exception of district regulation.

Subject to the foregoing statement of intent and the following limitations and requirements, the township board may, upon application, approve as a planned unit development special land uses and exceptions to the terms of this article in reference to the use, area, height, bulk, and placement regulations of this article where such special land uses and exceptions are deemed necessary to fulfill the intent of the proposed planned unit development.

(Ord. No. 90, § 26.03, 12-24-2016)

Sec. 40-733. - Residential PUD minimum size requirement.

A residential planned unit development will consist of any size parcel of land located in the R-1A, R-1B, R-2A, R-2B, R-3 and RMH zoning districts where the parcel or property will be recorded as a residential site condominium pursuant to the Condominium Act, MCL 559.101 et seq. Residential subdivisions intended to be recorded pursuant to the Land Division Act, MCL 560.101 et seq., may also be processed as a planned unit development.

(Ord. No. 90, § 26.04, 12-24-2016)

Sec. 40-734. - Commercial and industrial PUD minimum size requirements.

Unless elsewhere permitted or required, a commercial or industrial planned unit development will constitute a parcel of land of at least five acres located in the C-1, C-2, M- 1, and M-2 zoning district to be occupied by principal buildings with more than 50,000 square feet of usable floor area; the development shall be designed as an entity, intended to be substantially completed within three years.

(Ord. No. 90, § 26.05, 12-24-2016)

Sec. 40-735. - Application and site plan review required for approval.

An application and site plan shall be filed, in triplicate, with the planning commission and township board via the township clerk and shall contain the following:

- (1) Covering letter signed by owner or prospective developer holding an equitable interest in the property in question, indicating:
 - a. Legal description, showing location and acreage of property;
 - b. Existing zoning classifications; and
 - c. General description of proposed development and estimated timetable of construction.
- (2) A site plan prepared in accordance with article XII of this chapter and in addition:
 - a. On the site plan, there shall be the proposed schedule of. usable floor areas and land areas by category of use, building ground coverage, square feet of net lot area and preserved open space per dwelling unit, number of parking spaces, and such other information necessary to satisfy the intent and requirements of this article.
 - b. A declaration of restrictions to be placed on a property when subdivided to ensure the planned character and uses will be preserved and protected.

(Ord. No. 90, § 26.06, 12-24-2016)

Sec. 40-736. - Planning commission review, public hearing and township board report.

(a) *Public hearing.* Upon receipt of the application and site plan, the planning commission shall schedule and hold a public hearing on the proposal. Notice of the hearing shall be given in accordance with applicable statutory requirements. The notice of the hearing shall include the following:

- (1) Describe the nature of the planned unit development request;
- (2) Indicate the property, which is the subject of the planned unit development request;
- (3) State when, where, and at what time the public hearing on the planned unit development request will be considered; and

- (4) Indicate when and where written or oral comments will be received concerning the request.
- (b) *Planning commission review and report.* The planning commission shall review the application and site plan and prepare a report on whether or not the proposed development best serves the intent of this article and the public health, safety, and welfare with respect to the requested special land uses and exceptions to the schedule of district regulations (section 40-42) for the zoning district in which the subject parcel is located. The report shall include findings on the following:
- (1) Have the following considerations been evaluated: location, density of population, adequacy of parking and other public facilities, traffic volumes and circulation, compatibility with existing development, adequate provision for light and air, and accessibility for fire and police protection?
 - (2) Is the proposal compatible with objectives of the master plan or specific elements thereof which have been officially adopted by the planning commission?
 - (3) Is adequate provision made for dedication of land for streets, floodplains, and parks?
 - (4) Are the exceptions from district regulations within the limitations of this chapter?
 - (5) What other conditions should be required for issuance of a special land use permit or exceptions in regard to use, area, height, bulk or placement?
- (c) *Planning commission approval/denial and recommendations.* The planning commission after completion of the required public hearing and preparations of a report to the township board shall consider by formal motion an action recommending approval or denial of the applicant's request and shall then transmit the application and site plan, together with its recommended approval or disapproval and the report, to the township board. Approval shall only be recommended if the planning commission shall make an affirmative finding on subsections (b)(1) through (5) of this section.

(Ord. No. 90, § 26.07, 12-24-2016)

Sec. 40-737. - Action of the township board.

The township board, upon receipt from the planning commission of its report and recommendations, may then approve or deny the planned unit development subject to the following limitations in addition to those standards established in section 40-735.

(Ord. No. 90, § 26.08, 12-24-2016)

Sec. 40-738. - Maximum PUD incentive allowances.

- (a) *Residential district planned unit development.* All planned unit developments in the R-1A, R-1B, R-2A, R-2B, R-3 and RMH zoning districts, residentially zoned districts, shall be subject to the following limitations:
- (1) A maximum of five percent of the total development area may be utilized for uses permitted in the C-1 Commercial District.
 - (2) No business use or any building devoted primarily to a commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.
 - (3) The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided that the total number and density of dwellings shall be increased by no more than 20 percent greater than that which could ordinarily result under the district regulations. Land accruing from reduction in lot requirements shall be laid out, developed, and perpetually reserved for open space, recreational, and conservation purposes.
 - (4) A minimum of 20 percent of the land developed in any residential planned unit development shall be reserved

for common open space and noncommercial recreational facilities for the residents and users of the area being developed.

- (5) All open space shall be contiguous with the rest of the planned unit development.
- (b) *Commercial district planned unit development.* All planned unit developments in C-1 Commercial and the M-1 Commercial-Industrial Districts shall be subject to the following:
- (1) The use, area, height, bulk, and placement regulations of the district may be varied to allow for a variety of architectural design.
 - (2) Notwithstanding any other provisions of this section, every lot within a commercial planned unit development abutting the perimeter shall maintain all yard requirements of section 40-42 for commercial zoning districts.
 - (3) A maximum of 15 percent of the total developed area may be utilized for multiple-family residential use.
 - (4) A maximum of five percent of the total developed area may be utilized for industrial uses deemed compatible with the commercial or residential character of the planned unit development.
 - (5) A minimum of 15 percent of the land developed in any commercial planned unit development shall be reserved and utilized for common open space and noncommercial recreational facilities for the users of the area being developed.
 - (6) All open space shall be contiguous with the rest of the planned unit development.
- (c) *Industrial district planned unit development.* All planned unit developments in the M-1 Commercial-Industrial and M-2 Industrial Districts shall be subject to the following limitations:
- (1) The use, area, height, bulk, and placement regulations of the district may be varied to allow for a variety of architectural design.
 - (2) Notwithstanding any other provisions of this section, every lot within an industrial planned unit development abutting the perimeter shall maintain all yard requirements of section 40-42 for industrial zoning districts.
 - (3) A maximum of ten percent of the total developed area may be utilized for uses that are permitted in the C-1 Commercial District.
 - (4) A minimum of five percent of the land developed in any industrial planned unit development shall be utilized for common open space and noncommercial recreational facilities for the users of the area being developed.
 - (5) All open space shall be contiguous with the rest of the planned unit development.
- (d) *AG-T-transitional agricultural/residential district planned unit developments.* All planned unit developments in the AG-T zoned districts shall be subject to the following limitations:
- (1) A maximum of five percent of the total development area may be utilized for uses permitted in the C-1 Commercial District.
 - (2) No business use or any building devoted primarily to a commercial use shall be built or established prior to the residential buildings or uses for which it is developed or intended to serve.
 - (3) The minimum area, dimensions, and setbacks of individual buildings and lots may be reduced, provided that the total number and density of dwellings shall be increased by no more than 20 percent greater than that which could ordinarily result under the district regulations. Land accruing from reduction in lot requirements shall be laid out, developed, and perpetually reserved for open space, recreational, and conservation purposes.
 - (4) A minimum of 20 percent of the land developed in any residential planned unit development shall be reserved for common open space and noncommercial recreational facilities for the residents and users of the area being developed.
 - (5) All open space shall be contiguous with the rest of the planned unit development.

(Ord. No. 90, § 26.09, 12-24-2016)

Sec. 40-739. - Issuance of zoning compliance permit and effective term.

The approval of the application by the township board shall allow the zoning administrator to issue a zoning compliance permit in conformity with the application as approved. Upon the abandonment of a particular planned unit development by the applicant authorized under this section or upon the expiration of one year from the authorization hereunder of a planned unit development which has not by then been commenced, the authorization shall expire.

(Ord. No. 90, § 26.10, 12-24-2016)

Secs. 40-740—40-761. - Reserved.

ARTICLE XII. - SITE PLAN REQUIREMENTS

Sec. 40-762. - Intent.

- (a) The intent of requiring submission of a site plan and conducting a review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent, and spirit of this chapter.
- (b) It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible, and aesthetic uses of land in the township.

(Ord. No. 90, § 27.01, 12-24-2016)

Sec. 40-763. - When a site plan is required.

A site plan shall be prepared and submitted in accordance with this chapter with any application for a special land use permit or variance not involving a single-family, two-family or agricultural permitted principal use and with any application for a planned unit development.

(Ord. No. 90, § 27.02, 12-24-2016)

Sec. 40-764. - Contents of the site plan.

A required site plan shall be drawn at a scale of one inch equals 100 feet or larger and shall contain the following information:

- (1) The boundary lines of the area included in the site plan, including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
- (2) Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two feet.
- (3) The shape, size, and location on the lot, including yard dimensions, height and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
- (4) Natural features such as wood lots, trees of more than one foot in diameter, streams and lakes or ponds, and

manmade features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.

- (5) Proposed streets, driveways, parking spaces, curb cuts, loading spaces, and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways, and sidewalks and the total number and layout of parking spaces shall be shown.
- (6) The size and location of all existing and proposed public and private utilities and required landscaping.
- (7) A vicinity sketch showing location of the site in relation to the surrounding street system.
- (8) A legal description of the land and lots included in the site plan.
- (9) Any other information necessary to establish compliance with this and any other ordinance and the availability of adequate utility capacity.
- (10) The name, signature, title, and mailing address of the person who prepared the site plan. A site plan for any development of five acres or more in land area shall be prepared by a registered architect, engineer, professional community planner, or land surveyor. A site plan for a development of less than five acres may, at the discretion of the zoning administrator, be prepared by a qualified person who is not a registered architect, engineer, professional community planner, or land surveyor.

(Ord. No. 90, § 27.03, 12-24-2016)

Sec. 40-765. - Review process and approval/denial action.

- (a) Any required site plan shall be submitted in triplicate, of original quality, to the township clerk, along with a cover letter in triplicate signed by the owner of the land or prospective developer, giving a general explanation of the background information on the proposed development. The clerk shall forward these to the zoning administrator.
- (b) The zoning administrator shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of this article.
- (c) If the proposed development does not require:
 - (1) The issuance of a special land use permit;
 - (2) Rezoning of land by the township board; or
 - (3) Approval of a subdivision or condominium plat;

then, within 30 days after receipt of the proposed site plan, the zoning administrator shall notify in writing the applicant in writing of the approval or disapproval of the site plan. If the site plan is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content or noncompliance with identified applicable provisions of this chapter.

- (d) If the proposed development requires issuance of a special land use permit, the zoning administrator shall transmit his findings as described in this section to the township clerk, along with two copies of the site plan and covering letter which shall follow the procedures for issuance of a special land use permit as provided in article X of this chapter. The applicant of the development shall be notified of the status of his requested site plan approval.
- (e) If the proposed development requires a rezoning of land, the zoning administrator shall transmit his findings as described in this section to the township planning commission, which shall follow the amendment procedure as provided in article XIV, division 4, of this chapter. Two copies of the site plan and covering letter shall accompany the zoning administrator's findings. The applicant of the development shall be notified of the status of his requested site plan approval.
- (f) If the proposed development requires the approval of a subdivision or condominium plat, the zoning administrator

shall transmit the plat to the township planning commission for review and approval.

- (g) The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in section 40-764.
- (h) A site plan shall be approved if it contains the information required by this chapter and is in compliance with this chapter and the conditions imposed thereunder, other applicable divisions, and state and federal statutes.
- (i) The site plan as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and approving body.
- (j) Upon approval of a site plan, the secretary of the approving body shall, within five days, file with the zoning administrator a copy of the approved site plan.

(Ord. No. 90, § 27.04, 12-24-2016)

Secs. 40-766—40-783. - Reserved.

ARTICLE XIII. - ADDITIONAL CONDOMINIUM REQUIREMENTS

Sec. 40-784. - Intent.

The following regulations shall apply to all condominium projects within the township concurrently with notice required to be given the township pursuant to MCL 559.171. Any person, firm, or corporation or limited liability corporation intending to develop a condominium project shall provide the following information with respect to the project:

- (1) The name, address, and telephone number of:
 - a. 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);
 - b. All engineers, attorneys, architects, or registered land surveyors associated with the project;
 - c. The developer of the project.
- (2) The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
- (3) The acreage content of the land on which the condominium project will be developed.
- (4) The purpose of the project (for example, residential, commercial, industrial, etc.).
- (5) Approximate number of condominium units to be developed on the subject parcel.
- (6) Whether or not a community water system is contemplated.
- (7) Whether or not a community septic system is contemplated.
- (8) Preliminary site plan, prepared in accordance with article XII of this chapter.

(Ord. No. 90, § 28.01, 12-24-2016)

Sec. 40-785. - 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.

(Ord. No. 90, § 28.02, 12-24-2016)

Sec. 40-786. - Site plans; new project master deed, engineering and inspections.

Prior to recording of the master deed required by MCL 559.172, the condominium project shall undergo planned unit development review and approval pursuant to article XI of this chapter. In addition, the township shall appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.

(Ord. No. 90, § 28.03, 12-24-2016)

Sec. 40-787. - 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 XII of this chapter.

(Ord. No. 90, § 28.04, 12-24-2016)

Sec. 40-788. - Master deed, restrictive covenants and "as built" survey to be furnished.

The condominium project developer or proprietor shall furnish the zoning administrator with the following: One copy of the recorded master deed, one copy of all restrictive covenants, and two copies of an "as built" survey. The "as built" survey shall be reviewed by the township engineer for compliance with township ordinances.

(Ord. No. 90, § 28.05, 12-24-2016)

Sec. 40-789. - Monuments required; site condominium projects.

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

- (1) Monuments shall be located in the ground and made according to the following requirements, but it 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 sidelines of the streets.
- (2) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of 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.
- (4) If the required location of a 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 be clearly indicated on the plans and referenced to the true point.
- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (6) All required monuments shall be placed flush with the ground where practicable.

- (7) All unit corners shall be monumented in the field by iron or steel bars or iron pipes, at least 18 inches long and one-half inch in diameter, or other approved markers.
- (8) The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one 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 \$25.00 per monument and not less than \$100.00 in total. Such cash, certified check, or irrevocable 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.

(Ord. No. 90, § 28.06, 12-24-2016)

Sec. 40-790. - Boundary monuments required for all condominium projects.

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of section 40-789(7).

(Ord. No. 90, § 28.07, 12-24-2016)

Sec. 40-791. - Compliance with federal, state, and local law.

All condominium projects shall comply with federal and state statutes and local ordinances.

(Ord. No. 90, § 28.08, 12-24-2016)

Sec. 40-792. - 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 freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.

(Ord. No. 90, § 28.09, 12-24-2016)

Sec. 40-793. - Temporary occupancy.

The zoning administrator may allow occupancy of the condominium project before all improvements required by this chapter 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.

(Ord. No. 90, § 28.10, 12-24-2016)

Sec. 40-794. - Residential condominium density limitation.

Single-family detached condominiums shall be subject to all requirements and standards of the applicable R-1A, R-1B, R-2A, R-2B, R-3, and RMH underlying zoning district requirements, except minimum lot size. For the purpose of computing density, the number of units per gross acre shall not exceed the maximum number per acre set forth the schedule of district regulations (section 40-42) except as modified by the terms of article XI of this chapter.

(Ord. No. 90, § 28.11, 12-24-2016)

Sec. 40-795. - Minimum streets and road construction standards.

All streets and roads in a single-family detached condominium project shall, at a minimum, conform to the standards and specifications of the township ordinance regarding private streets and roads.

(Ord. No. 90, § 28.12, 12-24-2016)

Sec. 40-796. - Requirement to submit final site plan.

After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a photographic hard copy, laminated photostatic copy, or mylar sheet of at least 13 by 16 inches, with an image not to exceed 10½ by 14 inches.

(Ord. No. 90, § 28.13, 12-24-2016)

Secs. 40-797—40-815. - Reserved.

ARTICLE XIV. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 40-816. - Designation of zoning administrator as enforcement officer.

- (a) A zoning administrator designated by the township board shall administer and enforce this chapter. He may be provided with the assistance of such other persons as the township board may direct.
- (b) If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and order the action necessary to correct it. He shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. No. 90, § 29.01, 12-24-2016)

Sec. 40-817. - Duties and limitations of the zoning administrator.

- (a) *Zoning compliance permit.* It is unlawful for any person to commence excavation for any building or to commence the erection, addition or structural alteration of any building or to move any building onto a lot or to commence new land use until a zoning compliance permit for such activity has been obtained from the zoning administrator. (See also sections 40-496 and 40-545 pertaining to zoning compliance permits for, respectively, swimming pools and outdoor hot tubs and spas and signs.)
- (b) *Zoning administrator authority.* The zoning administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the chapter. It is unlawful for the zoning administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until he has inspected such plans in detail and found them in compliance with this chapter. To this end, the zoning administrator shall require that every application for a building permit for excavation, construction, moving,

alteration, or change in type of use or type of occupancy shall be accompanied by a written statement and plans or plats drawn to scale showing the following in sufficient detail to enable the zoning administrator to ascertain whether the proposed work or use is in conformance with this chapter:

- (1) The actual shape, location, and dimensions of the lot. If the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any other buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of all structures upon it.
- (4) Such other information concerning the lot or adjoining lots or other matters as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 90, § 29.02, 12-24-2016)

Sec. 40-818. - Issuance of zoning compliance permit or notification of denial.

If the proposed excavation, construction, moving, or alteration or use of land as set forth in the application is in conformity with the provisions of this chapter, the zoning administrator shall issue a zoning compliance permit. If an application for such permit is not approved, the zoning administrator shall state in writing the cause for such disapproval. The zoning administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this chapter. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit are not cause for refusal to issue a permit. A zoning compliance permit will expire if the project has not substantially begun within six months of the issuance of the permit. When a zoning compliance permit is issued, the proposed structure shall be considered a legally existing structure for the purpose of applying the waterfront 45-degree view setback requirement of sections 40-448, 40-449 and 40-450. The zoning compliance permit may upon written request be extended by the zoning administrator for an additional six-month period if:

- (1) It is demonstrated to the zoning administrator's reasonable satisfaction that there is a strong likelihood that the project will be substantially begun within the period of extension and proceed diligently thereafter to completion; and
- (2) The zoning administrator finds that the proposed project remains lawful under the terms of this chapter.

(Ord. No. 90, § 29.03, 12-24-2016)

Sec. 40-819. - Acceptance of preliminary application and information.

The zoning administrator may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the zoning administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval.

(Ord. No. 90, § 29.04, 12-24-2016)

Sec. 40-820. - Permit does not waive compliance.

Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this chapter. The zoning administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the chapter to any person making application to excavate, construct, move, alter, or use either buildings,

structures, or land. The zoning administrator is under no circumstance permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his duties.

(Ord. No. 90, § 29.05, 12-24-2016)

Sec. 40-821. - Role of the township board of trustees.

Under this chapter, the township board shall have only the following duties:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;
- (2) Establishing a schedule of fees and charges as stated in division 3 of this article.
- (3) Appointing members of the zoning board of appeals, the zoning administrator and members of the planning commission.
- (4) Considering the approval or rejection of special land uses.
- (5) Considering approval or rejection of a temporary hardship permit.
- (6) Considering approval or rejection of a mineral mining permit.

(Ord. No. 90, § 29.06, 12-24-2016)

Sec. 40-822. - Role of the township planning commission.

Under this chapter, the planning commission shall have only the following duties:

- (1) Review, holding of the public hearing and rendering recommendations for issuance of special land use permits,
- (2) Review, holding of the public hearing and rendering recommendations for issuance of planned unit development request or permits,
- (3) Review, holding of the public hearing and rendering recommendations for zoning map and text amendments,
- (4) Review and rendering recommendations for approval of site plans, and
- (5) Prepared, adopt and maintain in current form the master plan for the township.

(Ord. No. 90, § 29.07, 12-24-2016)

Secs. 40-823—40-852. - Reserved.

DIVISION 2. - BOARD OF APPEALS

Sec. 40-853. - Establishment of board of appeals.

- (a) Board of appeals is established; it shall consist of five regular members and two alternate members to be appointed in accordance with the Michigan Zoning Enabling Act, MCL 125.3101 et seq. The first member of the township board of appeals shall be a member of the township planning commission. The second member of the township board of appeals may be member of the township board but shall not serve as chairperson of the township board of appeals. An employee or contractor of the township board may not serve as a member of the township board of appeals.
- (b) The terms of office for members appointed to the township board of appeals shall be for three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of those bodies. A member of the township board of appeals may be removed by the township board for misfeasance, malfeasance or nonfeasance in office upon written charges and

after public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- (c) An alternate member may be called by the chairperson or his designee to serve as a regular member of the township board of appeals in the absence of a regular member if a regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the township board of appeals.

(Ord. No. 90, § 30.01, 12-24-2016)

Sec. 40-854. - Proceedings of the township board of appeals and records.

- (a) The board of appeals shall adopt rules necessary for the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairperson and at such other times as the township board of appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and shall comply in all aspects of the state Open Meetings Act, MCL 15.261 et seq.
- (b) The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed within eight business days in the office of the clerk.

(Ord. No. 90, § 30.02, 12-24-2016)

Sec. 40-855. - Powers and duties of board of appeals.

The powers of the zoning board of appeals shall be to hear and decide matters concerning the administration of the chapter, including appeals from administrative decisions, issue variances from the strict terms of this chapter and interpret this chapter and the zoning map pursuant to article II of this chapter.

(Ord. No. 90, § 30.03, 12-24-2016)

Sec. 40-856. - Administrative appeals.

- (a) *Duty of the zoning board of appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.
- (b) *Filing of an appeal.* Appeals to the township board of appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the township affected by any decision of the zoning administrator. Such appeals shall be taken within a reasonable time of the aggrieved action, not to exceed 60 days, by filing with the zoning administrator and with the township board of appeals a notice of appeals specifying the grounds thereof. The zoning administrator shall forthwith transmit to the township board all papers constituting the record from which the action appealed from was taken.
- (c) *Required public hearing.* The board of appeals shall fix a reasonable time for a hearing, not to exceed 60 days from the filing of the notice of appeal. Notice of the hearing shall be given in accordance with statutory requirements and shall:
- (1) Describe the nature of the appeal;

- (2) Indicate the property, which is the subject of the appeal;
 - (3) State when, where, and at what time the public hearing on the appeal will be considered; and
 - (4) Indicate when and where written or oral comments will be received concerning the appeal.
- (d) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken certifies to the township board of appeals, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the township board of appeals or by a court of record on application, on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

(Ord. No. 90, § 30.04, 12-24-2016)

Sec. 40-857. - Variance from the strict terms of the chapter.

- (a) *Role of zoning board of appeals.* The zoning board of appeals shall have the power to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this chapter or to any other nonuse-related standard in this chapter where there are practical difficulties in the way of carrying the strict letter of this chapter so that the spirit of the chapter shall be observed, public health and safety secured, and substantial justice done. In making the determination to grant such a variance, the zoning board of appeals shall find that all of the following standards are met:
- (1) That the variance will not permit the establishment within a zoning district of any use which is not permitted by right within the district.
 - (2) That compliance with the strict letter of this chapter would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with this chapter unnecessarily burdensome.
 - (3) That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area, or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - (4) That the hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property.
 - (5) That the hardship asserted by way of justification for the variance is not self-created.
 - (6) That, in granting a variance, the zoning board of appeals is ensuring that the spirit of this chapter is observed, public safety secured, and substantial justice done.
- (b) *Required public hearing.* A public hearing shall be held, and any party may appear in person, by agent, or by attorney. Notice of the hearing shall be given in accordance with applicable statutory requirements and shall:
- (1) Describe the nature of the variance request;
 - (2) Indicate the property, which is the subject of the variance request;
 - (3) State when, where, and at what time the public hearing on the variance request will be considered; and
 - (4) Indicate when and where written or oral comments will be received concerning the request.
- (c) *Findings of fact.* The board of appeals shall make findings that the requirements of subsection (a) of this section have been met by the applicant for a variance.
- (d) *Conditions may be attached to decisions.* In granting any variance, the township board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards,

when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under division 5 of this article.

- (e) *Prohibition against variance permitting a non-permissible use.* Under no circumstances shall the township board of appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.

(Ord. No. 90, § 30.05, 12-24-2016)

Sec. 40-858. - Reversing decision of zoning administrator.

- (a) *ZBA power of zoning administrator.* In exercising the above-mentioned powers, the township board of appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator from whom the appeal is taken under appellate jurisdiction.
- (b) *Three ZBA votes required to overturn administrative decision.* The concurring vote of three members of the township board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in the application of this chapter.

(Ord. No. 90, § 30.06, 12-24-2016)

Sec. 40-859. - Appeals from a zoning board of appeals decision.

Any person, or any taxpayer, department, board, or bureau of the township directly aggrieved by any decision of the township board of appeals may seek review by court of record of such decision, in the manner provided by the laws of the state.

(Ord. No. 90, § 30.07, 12-24-2016)

Sec. 40-860. - Duties of administrator, ZBA and township board on matters of appeal.

- (a) It is the intent of this chapter that all questions under appellate jurisdiction shall be presented to the zoning board of appeals only on appeal from the decision of the zoning administrator. Requests for variances constituting matters under original jurisdiction of the zoning board of appeals shall be filed with the zoning board of appeals via the zoning administrator and shall not be construed as an appeal from the decision of the zoning administrator. Recourse from the decisions of the zoning board of appeals shall be to the courts as provided by the laws of the state.
- (b) It is further the intent of this chapter that the duties of the township board in connection with this chapter shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding such questions shall be as stated in this chapter.

(Ord. No. 90, § 30.08, 12-24-2016)

Secs. 40-861—40-883. - Reserved.

DIVISION 3. - FEES, CHARGES AND EXPENSES

Sec. 40-884. - Township board to establish fee schedule.

The township board shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for building permits and certificate of occupancy, appeals, rezoning applications, and other matters pertaining to this chapter. The schedule of fees shall be posted in the township hall and may be amended only by the township board.

(Ord. No. 90, § 31.01, 12-24-2016)

Sec. 40-885. - All fees to be paid prior to consideration or action by the township.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. No. 90, § 31.02, 12-24-2016)

Secs. 40-886—40-903. - Reserved.

DIVISION 4. - AMENDMENTS

Sec. 40-904. - Initiation of amendment.

Amendment to this chapter may be initiated by the township board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application with the township board. The planning commission may, at its discretion, also initiate amendments to this chapter and recommend the same to the township board for adoption.

(Ord. No. 90, § 32.01, 12-24-2016)

Sec. 40-905. - Amendment procedure.

- (a) *Filing of application.* All petitions for amendments to this chapter shall be in writing, signed, and filed in triplicate with the township clerk for presentation to the township board. All petitions for amendments to this chapter shall contain the following, without limiting the right to file additional material, including any and all other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment:
- (1) The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land.
 - (2) The nature and effect of the proposed amendment.
 - (3) If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 - (4) If the proposed amendment would require a change in the zoning map, the names and addresses of the owners adjacent to the area changed by the proposed amendment.
 - (5) The alleged error in this chapter which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons as to how the proposed amendment will correct the same.
 - (6) The changed or changing conditions in the area or in the municipality that make the proposed amendment

reasonably necessary to the promotion of the public health, safety, and general welfare.

- (b) *Referral to planning commission.* The township board, upon receipt of the petition to amend, after having it examined and approved as to form and content by the township clerk, shall refer the same to the planning commission for study and recommendations.
- (c) *Planning commission public hearing and recommendation.* A public hearing shall be held by the township planning commission before submitting recommendations concerning the proposed amendment to this chapter. Notice of the public hearing shall be given in accordance with applicable statutory requirements.
- (d) *Planning commission recommendation forwarded and received.* Following the public hearing, the township planning commission shall make its recommendation and forward it to the county planning commission and the township board. The township board shall not approve or deny and propose any zoning chapter amendment until it has received the county planning commission's recommendation or 30 days has passed from the time the township planning commission's recommendation was received by the county, whichever occurs first.
- (e) *Optional township board public hearing.* A public hearing conducted by the township board shall not be required unless requested by a property owner pursuant to the state Zoning Enabling Act, MCL 125.3101 et seq.
- (f) *Factors.* In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the planning commission and the township board include, but are not limited to, the following:
 - (1) Whether the rezoning is consistent with the policies and uses proposed for that area in the township's master land use plan;
 - (2) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 - (3) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
 - (4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(Ord. No. 90, § 32.02, 12-24-2016)

Sec. 40-906. - Conditional rezoning.

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of MCL 125.3405 by which an owner seeking a rezoning may voluntarily propose conditions regarding the use or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.*
 - (1) An owner of land may voluntarily offer in writing conditions relating to the use or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 - (3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the

requested new zoning district.

- (4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 - (5) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (6) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
 - (7) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.
 - (8) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the township board, provided that if such withdrawal occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- (c) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 40-905(f), may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- (d) *Township board review.* After receipt of the planning commission's recommendation, the township board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The township board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in section 40-905(f). Should the township board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the township board shall, in accordance with MCL 125.3401 et seq., refer such amendments to the planning commission for a report thereon within a time specified by the township board and proceed thereafter in accordance with the statute to deny or approve the conditional rezoning with or without amendments.
- (e) *Approval.*
- (1) If the township board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the chapter adopted by the township board to accomplish the requested rezoning.
 - (2) The statement of conditions shall:
 - a. Be in a form recordable with the county register of deeds or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the township board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.

- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the township if necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the county register of deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
- (3) Upon the rezoning taking effect, the official zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The township clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 - (4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the county register of deeds. The township board shall have authority to waive this requirement if it determines that, given the nature of the conditions or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.
 - (5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- (f) *Compliance with conditions.*
 - (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
 - (g) *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the township board if:
 - (1) It is demonstrated to the township board's reasonable satisfaction that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The township board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
 - (h) *Reversion of zoning.* If approved development or use of the rezoned land does not occur within the time frame specified under subsection (g) of this section, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the township board requesting that the planning

commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

- (i) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (h) of this section or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the township clerk shall record with the register of deeds of the county in which the land is located a notice that the statement of conditions is no longer in effect.
- (j) *Amendment of conditions.*
 - (1) During the time period for commencement of an approved development or use specified pursuant to subsection (g) of this section or during any extension thereof granted by the township board, the township shall not add to or alter the conditions in the statement of conditions.
 - (2) The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.
- (k) *Township right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and state law.
- (l) *Failure to offer conditions.* The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(Ord. No. 90, § 32.03, 12-24-2016)

Secs. 40-907—40-930. - Reserved.

DIVISION 5. - VIOLATIONS

Sec. 40-931. - Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the zoning administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter and make answer to the complainant and township board.

(Ord. No. 90, § 33.01, 12-24-2016)

Sec. 40-932. - Penalties for violation.

- (a) Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special land uses) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 93 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- (b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and shall suffer the penalties herein provided.
- (c) Nothing herein contained shall prevent the township from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. No. 90, § 33.02, 12-24-2016)