

Matteson Township Zoning Ordinance

This page intentionally left blank.

Table of Contents

TABLE OF CONTENTS	I
ARTICLE 1 TITLE	1
Section 1.01 Title.....	1
Section 1.02 Preamble.....	1
ARTICLE 2 ZONING DISTRICTS	3
Section 2.01 Districts Established	3
Section 2.02 Chart of Permitted Uses	5
Section 2.03 Area, Height and Distance Requirements	7
Section 2.04 Required Area or Space	8
Section 2.05 Height and Area Zoning Exceptions	9
Section 2.06 Access Through Yards.....	10
Section 2.07 Lakefront Property Setback Requirements.....	10
Section 2.08 District Boundaries.....	12
Section 2.09 District Boundaries Interpreted	12
Section 2.10 Zoning of Vacated Areas.....	12
Section 2.11 Reversion of Rezoned Area	12
ARTICLE 3 USES	14
Section 3.01 Adult Entertainment Business	14
Section 3.02 Agricultural Storage	16
Section 3.03 Banks	17
Section 3.04 Bed and Breakfasts.....	17
Section 3.05 Campgrounds	18
Section 3.06 Cemetery	19

Section 3.07	Child Care Centers	19
Section 3.08	Commercial Composting and Fertilizer Storage	21
Section 3.09	Crop Cultivation	26
Section 3.10	Drive-Thrus	27
Section 3.11	Funeral Homes and Mortuaries	28
Section 3.12	Garage Sales and Yard Sales	28
Section 3.13	Gas Stations	28
Section 3.14	Health and Athletic Clubs	30
Section 3.15	Home Occupations	30
Section 3.16	Hotels.....	33
Section 3.17	Indoor Recreation	33
Section 3.18	Kennels	33
Section 3.19	Livestock Auction Yard	34
Section 3.20	Livestock Feedlots (Intensive)	34
Section 3.21	Livestock Raising (Non-Intensive).....	34
Section 3.22	Manufactured Home Parks.....	34
Section 3.23	Manufacturing	42
Section 3.24	Medical Clinics	42
Section 3.25	Mining of Sand and Gravel	42
Section 3.26	Nursing Homes.....	46
Section 3.27	Office	46
Section 3.28	Outdoor Events (Temporary).....	46
Section 3.29	Outdoor Recreation (Private Intensive).....	47
Section 3.30	Outdoor Recreation (Private Non-Intensive).....	47
Section 3.31	Outdoor Recreation (Public Intensive)	48
Section 3.32	Outdoor Recreation (Public Non-Intensive).....	49
Section 3.33	Outdoor Storage	49

Section 3.34	Parking Lot with No Other Principal Use	49
Section 3.35	Personal Services	50
Section 3.36	Public Uses	50
Section 3.37	Private Swimming Pools	50
Section 3.38	Religious Institutions.....	51
Section 3.39	Research and Development	52
Section 3.40	Restaurant	53
Section 3.41	Retail.....	53
Section 3.42	Roadside Stand (Temporary)	53
Section 3.43	Self-Storage.....	54
Section 3.44	Senior Housing	54
Section 3.45	Slaughter Houses	54
Section 3.46	Solar Energy	55
Section 3.47	Stables (Riding)	62
Section 3.48	State-Licensed Residential Facilities	63
Section 3.49	Vehicle Repair	64
Section 3.50	Vehicle Sales	65
Section 3.51	Vehicle Wash.....	65
Section 3.52	Veterinary Hospitals.....	67
Section 3.53	Warehousing.....	67
Section 3.54	Wholesale	67
Section 3.55	Wind Energy.....	67
Section 3.56	Wireless Telecommunications.....	97
ARTICLE 4 FENCES, ACCESSORY STRUCTURES, AND STORAGE.....		98
Section 4.01	Accessory Uses and Structures	98
Section 4.02	Storage Requirements.....	99

ARTICLE 5 SCREENING AND BUFFERING.....	102
Section 5.01 Corner Clearance.....	102
Section 5.02 Screening or Buffers.....	102
Section 5.03 Screening of Trash Storage Areas.....	102
Section 5.04 Screening of Parking Lots.....	103
ARTICLE 6 PARKING AND LOADING.....	104
Section 6.01 Number of Parking Spaces.....	104
Section 6.02 Location of Facilities.....	107
Section 6.03 Size of Parking Space.....	108
Section 6.04 Requirements for Parking Areas.....	108
Section 6.05 Off-Street Loading Spaces.....	108
Section 6.06 Handicapped Parking.....	109
ARTICLE 7 SIGNS.....	110
Section 7.01 Purpose.....	110
Section 7.02 Definitions.....	110
Section 7.03 Signs Requiring No Permit.....	111
Section 7.04 Signs Requiring a Permit.....	112
Section 7.05 Electronic Message Signs.....	112
Section 7.06 Prohibited Signs.....	112
Section 7.07 Non-Conforming Signs and Sign Structures.....	113
Section 7.08 Administration and Enforcement.....	114
ARTICLE 8 GENERAL PROVISIONS.....	115
Section 8.01 Conflicting Regulations.....	115
Section 8.02 Building Regulations.....	115
Section 8.03 Abandoned Buildings and Structures.....	116
Section 8.04 Buildings to be Moved.....	116

Section 8.05	Restoring Unsafe Buildings.....	116
Section 8.06	Private Roads	116
Section 8.07	Excavation and Holes	116
Section 8.08	Essential Services	117
Section 8.09	Voting Place	117
Section 8.10	Public Nuisance, Per Se	117
Section 8.11	Vested Right.....	117
Section 8.12	Interpretation	117
ARTICLE 9 PERFORMANCE STANDARDS		119
ARTICLE 10 NON-CONFORMITIES.....		121
ARTICLE 11 SITE PLAN REVIEW PROCEDURES.....		125
Section 11.01	Purpose.....	125
Section 11.02	Circumstances Requiring A Site Plan	125
Section 11.03	Site Plan Data Required.....	125
Section 11.04	Submittal and Approval	126
Section 11.05	Fees.....	127
Section 11.06	Revocation	127
Section 11.07	Appeal.....	127
ARTICLE 12 SPECIAL USE PROCEDURES.....		129
Section 12.01	Purpose.....	129
Section 12.02	Process.....	129
Section 12.03	Criteria	131
ARTICLE 13 PLANNED RESIDENTIAL DEVELOPMENT		132
Section 13.01	Intent and Purpose.....	132
Section 13.02	Objectives	132

Section 13.03	Qualifying Conditions	132
Section 13.04	Permitted Uses.....	133
Section 13.05	Application and Review Procedures	134
Section 13.06	Control of Planned Residential Development Following Final Approval	140
Section 13.07	Lot Size Variation Procedure	141
Section 13.08	Open Space Requirements	142
Section 13.09	Planned Residential Development in More Than One Zoning District	143
Section 13.10	Perimeter Setback Requirements	143
Section 13.11	Subdivision and Resale.....	143
Section 13.12	Development Standards.....	143
ARTICLE 14	SITE CONDOMINIUM DEVELOPMENT	147
Section 14.01	Intent	147
Section 14.02	Purpose	147
Section 14.03	Definitions.....	147
Section 14.04	Review Process	148
Section 14.05	Condominium Subdivision Plan - Required Contents.....	150
Section 14.06	Review by Planning Commission	152
Section 14.07	Township Board Review and Tentative Approval	152
Section 14.08	Site Plans - Expandable or Convertible Projects.....	153
Section 14.09	Monuments Required - Site Condominium Projects.....	155
Section 14.10	Final Condominium Project: Acceptance of Public Improvements by Township Board	156
Section 14.11	Completion of Improvements	157
Section 14.12	Inspection of Public Improvements	158
Section 14.13	Late Completion of Improvement/Temporary Occupancy.....	158
Section 14.14	Issuance of Zoning Code Building Permits	159
Section 14.15	Maintenance of Public Improvements.....	159

ARTICLE 15 ZONING BOARD OF APPEALS	161
Section 15.01 Creation and Membership.....	161
Section 15.02 Officers.....	161
Section 15.03 Meetings, Records and Procedures	161
Section 15.04 Appeals, How Taken.....	162
Section 15.05 Fee	162
Section 15.06 Jurisdiction.....	162
Section 15.07 Duties.....	162
Section 15.08 Powers of The Board of Appeals.....	163
Section 15.09 Limitations	163
Section 15.10 Review	163
Section 15.11 Interpretation	163
Section 15.12 Variances	163
 ARTICLE 16 AMENDMENTS AND REZONINGS.....	 165
Section 16.01 Amending the Ordinance or Map	165
Section 16.02 Resubmission of Amendment Requests	168
 ARTICLE 17 ADMINISTRATION AND ENFORCEMENT	 169
Section 17.01 Zoning Administration.....	169
Section 17.02 Verification Permits	169
Section 17.03 Certificate of Occupancy	169
Section 17.04 Building Permits	169
Section 17.05 Cancellation of Permits	169
Section 17.06 Escrow Accounts and Special Fees.....	169
Section 17.07 Building Permit Not Issued	170
Section 17.08 Inspection of Buildings and Structures	170
Section 17.09 Violations.....	170

Section 17.10	Public Nuisance	170
Section 17.11	Penalties	170
Section 17.12	Procedures for Addressing Violations.....	170
Section 17.13	Authority to Pursue Court Action	171
Section 17.14	Rights and Remedies Preserved	171
Section 17.15	Records of Violations and Remedies	171
 ARTICLE 18 CONSTRUCTION OF LANGUAGE AND DEFINITIONS		 173
Section 18.01	Construction of Language.....	173
Section 18.02	Definitions.....	173

Article 1 Title

Section 1.01 Title

This Ordinance shall be known as the “Matteson Township Zoning Ordinance,” and will be referred to herein as “this Ordinance.”

Section 1.02 Preamble

Pursuant to legislative authorization of the State of Michigan and for the purpose of promoting and protecting the public health, safety and general welfare of the inhabitants of Matteson Township by:

- protecting and conserving the character and social and economic stability of the Township
- securing the most appropriate use of the land,
- preventing over-crowding,
- facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and
- other means, all in accordance with a comprehensive plan.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP BOARD OF MATTESON TOWNSHIP, AS FOLLOWS:

This page intentionally left blank.

Article 2 Zoning Districts

Section 2.01 Districts Established

For the purpose of this Ordinance, Matteson Township is hereby divided into the following districts:

- (A) **A-1 General Agricultural.** This Zoning District is intended to allow extensive areas of the Township to be retained in agricultural use; prevent scattered non-farm growth; preserve woodlands and wildlife areas, and retain open space in its natural state. The requirements of this district are designed so as to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy. It is essential that development in areas that are predominantly agricultural be based on sound planning principles that recognize the importance of agricultural activities to the economy, life- style and welfare of the Township. Within this district, an agricultural zoned parcel shall have no maximum or minimum lot area, but shall be required to conform to the standards set forth by the Branch/Hillsdale/St. Joseph District Health Department.
- (B) **A-2 Light Agricultural.** The Light Agricultural District is intended to provide for agricultural and single-family residential uses together in a compatible environment. The purpose of this zone is to allow for the preservation of agricultural land and farming practices while also providing for managed non-farm growth; woodlands and wildlife areas along with open spaces are to be retained as much as feasible in their natural state. The requirements of this district are designed so as to provide for a compatible mix of agriculture and rural residential living, accommodating “gentlemen farms.” This District is distinguished from the A-1 District in that it allows residential development on one (1) acre lots, with the preference that residential uses be concentrated within planned residential developments.
- (C) **R-1 Rural Residential.** The R-1 Rural Residential District is intended to accommodate single-family dwellings in areas that are semi-rural in character in order to provide for new housing development while preserving open space and rural qualities.
- (D) **R-2 Waterfront Residential.** This Zoning District is intended for residential and other uses on parcels immediately surrounding Matteson Lake providing for lots and structures that can sustain healthful sanitary conditions, preserving the quality of water and maintaining the quality of the surrounding natural features.
- (E) **C Commercial.** The C-1 Commercial District, is designed to cater to the needs of the local consumer population. It is generally characterized by an integrated cluster of establishments serviced by common parking areas, and following specific design, landscaping, infrastructure, access and safety guidelines.
- (F) **I Research/Industrial.** The I Research/Industrial District is designed so as to accommodate industrial and research uses whose external and physical effects are not intensive, and detrimental to the community and its public infrastructure. I Research/Industrial Uses are restricted to the area of the district and shall in no manner affect in a detrimental way any of the surrounding districts.

The general goals of this district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the potential needs for research/industrial and related uses.
 - (2) To protect abutting residential districts by separating them from research/industrial activities, and by prohibiting the use of such research/industrial areas for new residential development.
 - (3) To promote development that is free from, or minimizes, danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and free from, or minimizes, offensive noise, vibration, smoke, odor and other objectionable influences.
 - (4) To protect the most desirable use of land in accordance with a well considered plan; to protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.
- (G) **RC Resource Conservation.** Matteson Township contains watercourses and bodies of water of various sizes and types as well as wet soils that are susceptible to high water tables at any time during the year. These watercourses and wet areas are subject to federal and state development restrictions and consequently are limited in their ability to become part of the Township's built environment. These areas are valuable resources that should be retained and utilized to help define the open space, water recharge and recreation fabric of the Township as well as act as a means of functional drainage.

The Resource Conservation District is intended to preserve the natural and drainage systems and unbuildable wet areas of Matteson Township. In so doing, it is also intended to utilize these resources for the visual and recreational enjoyment of the Township's residents, preserving a continuum of open space and preventing ecological and aesthetic damage that may result from unwise and disorderly development. The District is intended to provide for setbacks from these drainage systems in order to prevent physical harm, impairment and/or destruction to the drainage way. These regulations that apply within the RC District are designed to reserve such areas for the purposes outlined in this Article and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the undeveloped character of this District.

Section 2.02 Chart of Permitted Uses

P= Permitted By Right
 S=Permitted by Special Use Permit
 Blank = Prohibited

Use	A-1	A-2	R-1	R-2	C	I	RC	Definition and Standards
Adult Entertainment Business						S		3.01
Agricultural Storage	S							3.02
Banks					P			3.03
Bed and Breakfasts	S	S	S		S			3.04
Campgrounds	S	S					S	3.05
Cemeteries	S	S	S					3.06
Child Care Centers	S	S	S	S	S			3.07
Commercial Composting or Fertilizer Storage	S					S		3.08
Crop Cultivation	P	P	S					3.09
Drive-Thrus					S			3.10
Dwelling Units								2.03 18.02
Single Family	P	P	P	P				
Duplex			P	P				
Multi-Family (>3 units)			S					
Manufactured Home Parks			S					3/22
Funeral Homes and Mortuaries					S			3.11
Garage Sales/Yard Sales	P	P	P	P				3.12
Gas Stations					S	S		3.13
Gun Range, Private Outdoor	P	P						3.14
Gun Range, Public Outdoor	S	S			S	S	S	3.15
Health and Athletic Clubs					P			3.15
Home Occupations – (Not Retail, Fabrication, or Repair)	P	P	P	P				3.16
Home Occupations – (Retail, Fabrication, or Repair)	S	S						3.17
Hotels					S			3.18
Indoor Recreation					S			3.19
Kennels	S	S			S			3.20
Livestock Auction Yards	S					S		3.21
Livestock Feedlots, Intensive	S							3.23
Livestock Raising, Non-Intensive	P							3.24
Manufacturing						P		3.25
Medical Clinics					P			3.26
Mining of Sand and Gravel	S							3.27
Nursing Homes			S		S			3.28
Offices					P	P		3.29
Outdoor Events (Temporary)	S	S					S	3.30
Outdoor Recreation, Private Intensive	S	S						3.31
Outdoor Recreation, Private Non-Intensive			S		S		S	3.32
Outdoor Recreation, Public Intensive	S							3.33
Outdoor Recreation, Public Non-Intensive				S	S		P	3.34

Use	A-1	A-2	R-1	R-2	C	I	RC	Definition and Standards
Outdoor Storage						S		3.35
Parking Lots with No Other Principal Use	S	S	S	S	S	S		3.36
Personal Services					P			3.37
Ponds/Man-Made Wetlands	P	P	P	P	P	P	P	3.38
Public Uses	S	S	S	S	P	S	S	3.39
Religious Institutions	S	S	S	S	P	S		3.40
Research and Development						P		3.41
Restaurants					P			3.42
Retail					P	P		3.43
Roadside Stand	P	P						3.44
Self-Storage						S		3.45
Senior Housing			S		S			3.46
Slaughter Houses						S		3.47
Solar Energy (Rooftop)	P	P	P	P	P	P	P	3.48.B
Solar Energy (Small Scale Freestanding)	P	P	S	S	P	P	S	3.48.B
Solar Energy (Large Scale Freestanding)	S	S	S	S	S	S	S	3.48.C
Stables (5 or Fewer Horses)	P	P	S					3.49
Stables (6 or More Horses)	S	S						3.49
State-Licensed Residential Facilities	S	S	S	S				3.50
Vehicle Repair					S	P		3.51
Vehicle Sales					S			3.52
Vehicle Wash					S			3.53
Veterinary Hospitals	S				S	S		3.54
Warehousing						P		3.55
Wholesale						P		3.56
Wind Energy	S	S					S	3.57
Wireless Telecommunications	S	S	S	S	S	S	S	3.58

Section 2.03 Area, Height and Distance Requirements

The following table presents the minimum and maximum area, height, and distance requirements for principal structures in each district within the Matteson Township Zoning Ordinance. The regulations for accessory structures are located in Section 4.01.

Zoning Districts	Minimum Lot Size Per Dwelling Unit/ Main Structure		Maximum Height of Structures	Minimum Yard Setbacks (Ft.)				Minimum Floor Area	Maximum Lot Coverage (including Accessory Buildings)	Accessory Buildings Total Max. Floor Area
	Area	Width (Ft.)	In Feet	Front	Side (Total)	Side (Min. One Side)	Rear	(Sq. Ft.)		
A-1 Agriculture	3 acres	200	35 (a)	50	50 (b)	20	50	1,200	n.a.	n.a.
A-2 Light Agricultural	1 acre	200	35	40	40 (b)	20	40	1,200	25%	n.a.
R-1 Rural Residential	20,000 s.f. (c)	100	35	35	35 (d)	10	40	(e)	35%	1200 s.f.
R-2 Waterfront Residential	6,000 s.f.	60	35	50 (f) 35 (g)	15	7	10 (f) 30 (g)	960	35%	1200 s.f.
C Commercial	15,000 s.f.	100	40	50 (h)	25	10	20 (h)	n.a.	80%	600 SF
I Research /Industrial	1 ac.	150	35	50	50	20	50	n.a.	605	n.a.
RC Resource Conservation (i)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

Footnotes to Table:

- a. All accessory buildings in the AG district used for agricultural purposes may not exceed eighty-five (85) feet in height.
- b. No farm building may be located within fifty (50) feet of any lot line. Buildings housing farm animals or storage of odor producing materials may not be located within one hundred fifty (150) feet of any lot line.
- c. For multiple-family dwellings, the minimum lot size shall be 15,000 s.f. plus 2,600 s.f. for each additional dwelling unit.
- d. Minimum side yard setbacks for a multiple-family dwelling shall be fifty (50) feet total; minimum setback for each side shall be twenty (20) feet.
- e. Minimum required square footage per unit by unit type: Efficiencies – 300 s.f.; 1-bedroom – 650 s.f., 2- bedroom – 750 s.f.; 3-bedroom – 850 s.f.; 4-bedroom – 1,000 s.f.
- f. The front yard of a waterfront lot is the required setback area between the building and the high water mark of the lake, river or stream. The rear yard of a waterfront lot is the required setback area located on the side of the building opposite the front yard.
- g. Minimum setback distances apply to non-waterfront parcels.
- h. Minimum front and rear yard building setbacks required if off-street parking is located in front of a commercial building. If off-street parking is located to the rear of a commercial building, the minimum required front yard setback shall be twenty (20) feet and the minimum required rear yard setback shall be fifty (50) feet.
- i. No structure in any district abutting the Resource Conservation District shall be closer than twenty - five (25) feet from the RC District.

n.a. - Not Applicable.

Section 2.04 Required Area or Space

No lot, or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered, or reduced to make its area dimensions less than the minimum required under this Ordinance, and the area or dimension shall not be further divided or reduced. Where the plot plan presented in the application for a permit includes more than one recorded lot, the Zoning Administrator shall execute an affidavit in which the facts related to the use of the platted lots, or parts of platted lots, shall be stated and shall cause the plat and affidavit to be recorded in the office of the Register of Deeds in Branch County, Michigan, with the cost of recording to be borne by the applicant.

(A) Minimum Lot Frontage. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.

(B) Access to a Street. Any parcel created after the effective date of this Ordinance in a commercial Zoning District, or with access points to a street with curb and gutter, shall have a hard surfaced approach to a public street. All parcels created after the effective date of this Ordinance shall have access to a public road or street

(C) Space Used Once. Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.

(D) Recreational Land Reserved. Non cluster-open space residential developments greater than twenty (20) units must reserve at least ten (10) percent of the total site size for recreational space. Cluster/open space residential developments must reserve at least thirty- five (35) percent of the total site area for recreation or open space.

Section 2.05 Height and Area Zoning Exceptions

The height and area requirements of all zones shall be subject to the following exceptions:

(A) Height. Parapet walls not exceeding four (4) feet in height; chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; farm buildings (including grain elevators); stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; communication towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; flag poles; spires of religious institutions; and additions to existing buildings which now exceed the height limitations of the zone district. The Township Board may specify a height limit for any structure listed above when such structure requires authorization as a special use.

(B) Permitted Yard Encroachments. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.

(1) Open porches, paved terraces and patios, provided the following restrictions apply: NOTE:

Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements:

(a) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.

(b) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10) percent of the required side or rear yard.

(c) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area or porch.

(d) An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

(e) No porch, deck, patio shall be closer than four (4) feet to the water's edge of lake or stream

(2) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5) feet.

(3) Signs, subject to provisions of Article 8.

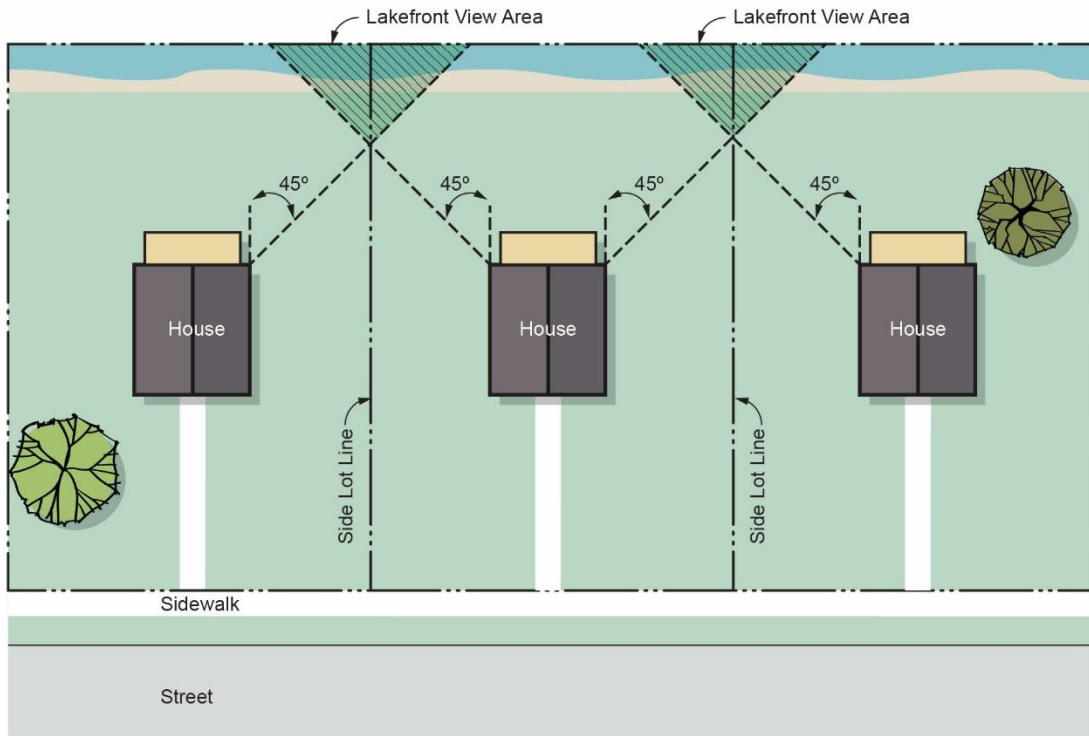
- (4) **Architectural Features.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 2.06 Access Through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

Section 2.07 Lakefront Property Setback Requirements

- (A) **Applicability.** This Section shall apply to waterfront properties within the R-2 Waterfront Residential District. For any requirement of Section 2.03 where this section does not state a requirement, Section 2.03 shall apply. This section shall not apply to non-waterfront properties within the R-2 District, which shall be subject to all requirements of Section 2.03.
- (B) **Road Frontage Requirement.** The proposed site for any of the uses permitted in the R-2 District shall have at least one (1) property line abutting a public or private road, and the site shall be so planned as to provide all access directly to the road.
- (C) **Waterfront Yard is the Front Yard.** The front yard of a waterfront parcel is that portion of the property between the water's edge and the principal structure.
- (D) **Minimum Setback from Waterfront – Principal Building.** The principal building on the lot must be set back a minimum of fifty (50) feet from the waterfront
- (E) **Lakefront View Area.**
- (1) **Definition of Lakefront View Area:** The Lakefront View Area shall be a triangle bounded by 1) a line parallel to the shoreline and 15 feet into the water from the Ordinary High Water mark, 2) the side lot line, and 3) a forty-five (45) degree line starting from the corner of the occupied portion of the principal building (the dwelling) on the adjacent lot that is closest to both the side lot line and the water. Each lot shall have two Lakefront View Areas, one adjacent to each lot line.



Lakefront View Area

- (2) **Landscaping within the Lakefront View Area.** Shrubs and groundcover within the Lakefront View Area shall not exceed 30 inches in height.
- (3) **Parking within the Lakefront View Area.** There shall be no parking in the Lakefront View Area, except required entrance drives.
- (4) **Offseason Boat Storage within the Lakefront View Area.** Between September 1 and May 1, watercraft, floating docks, and boat lifts may be stored on dry land within the Lakefront View Area.
- (5) **Fences within the Lakefront View Area.** No fence shall be constructed within the Lakefront View Area.
- (6) **New Accessory Structures within the Lakefront View Area.** No new structure or accessory building of any type, including but not limited to, a dwelling, shed, garden house, tool house, play house, green house, above ground swimming pool, hot tub, or any part of any new structure or an addition to an existing structure, including but not limited to, decks, porches, balconies and overhangs, above ground level, shall be built in the Lakefront View Area.

- (7) **Existing Structures within the Lakefront View Area.** Existing structures within the Lakefront View Area shall not be expanded or enlarged.
- (8) **Exemptions.** Any or all requirements of the Lakefront View Area may be waived if the Zoning Administrator determines that an otherwise conforming lot (meeting the requirements of Section 2.03) is rendered unbuildable by the Lakefront View Area requirements. In granting the exemption, the Zoning Administrator shall only waive those specific requirements that cannot be met. All other provisions of the Lakefront View Area, as well as all provisions of Section 2.03, shall still apply. In addition, for any lot granted an exemption under this section, the minimum setback requirement from the waterfront shall be increased to 75 feet.

Section 2.08 District Boundaries

The boundaries of these districts are hereby established as shown on the Zoning Districts Map, which accompanies this Ordinance, and which map with all notations, references, and other information shown shall be as much a part of this Ordinance as if fully described within this text.

Section 2.09 District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following corporate limits shall be construed as following actual corporate limits.
- (D) 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; boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- (E) Boundaries indicated as parallel to or extensions of features indicated in Subsections A through D above shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
- (F) Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections A through E above, the Board of Appeals shall interpret the district boundaries.
- (G) Insofar as some or all of the various districts may be indicated on the Zoning Map by colors or patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 2.10 Zoning of Vacated Areas

Whenever any street, alley or other public way, within Matteson Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attached.

Section 2.11 Reversion of Rezoned Area

In the case of land, which has been approved for a zoning change, construction on the parcel must begin within a period of one (1) year from approval of the zone change. If construction does not commence

within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this ordinance.

Article 3 Uses

Section 3.01 Adult Entertainment Business

(A) Definition. Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting Specified Sexual Activities or Specified Anatomical Areas.

(1) Adult entertainment use shall include, but not be limited to the following:

- (a) An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein. An adult mini-motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
- (b) An adult motion picture arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
- (c) An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions, depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
- (d) An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
- (e) An adult motel is a motel wherein matter, actions or other displays are presented which contains a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." An adult massage parlor is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
- (f) An adult model studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.

(g) An adult sexual encounter center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."

(2) **Significant Portion** - As used in the above definitions, the phrase "significant portion" shall mean and include:

(a) Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or,

(b) The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.

(c) The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

(3) **Display** - As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

(4) "Specified Sexual Activities"

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(5) "Specified Anatomical Areas"

(a) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; and,

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(B) **Standards.** All sexually oriented businesses shall comply with the following:

(1) Five hundred (500) feet setback from any residence, church, or school as measured from lot line.

(2) No person younger than 18 years of age shall enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open.

(3) No person under the age of 18 shall be employed by a sexually oriented business nor shall a person under the age of 18 be contracted with by a sexually oriented business for the provisions of services to patrons.

(4) No employee of a sexually oriented business shall sell or provide goods, merchandise or services to persons under the age of 18 on the premises.

(5) Any sexually oriented business offering live entertainment shall provide:

- (a) A dressing room for performers with direct access between said dressing area and the performance area or stage, such that the performer may enter the performance area or stage without entering the area from which patrons will view the performance;
 - (b) That the access, performance area, or stage and dressing room is handicapped accessible to the extent required by the Americans With Disabilities Act and the Elliott Larsen Civil Rights Act;
 - (c) No performer, employee or patron shall be permitted to have any physical contact with any other performer, employee or patron on the premises during any performance and all performances shall occur on a stage elevated at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest performer, employee or patron;
 - (d) 4) That the dressing area for performers be separate and not freely accessible from areas of the business accessible to patrons, and that the said dressing area contain hot and cold running water and toilet facilities.
- (6) All sexually oriented businesses shall be open to inspection by the Township's ordinance enforcement officer, the building inspector, the fire chief or the police department for the purpose of ensuring compliance with the law at any time the establishment is occupied or open for business.
 - (7) The prohibitions of this section shall be posted in a conspicuous place on the business premises.
 - (8) A violation of any of the subsections of this section shall be grounds for criminal prosecution of the underage person and of any licensee, owner, operator, and employees who permitted the violation of the section by the underage person.

(C) Sexually Explicit Performances Prohibited.

- (1) No person shall dance, entertain, display or otherwise engage in any exhibition or performance in such a manner as to expose to the view of any person within a sexually oriented business, or in any other commercial establishment:
 - (a) Any specified anatomical areas;
 - (b) Any device, costume or covering which gives the appearance of or simulates any specified anatomical areas.
- (2) No person shall engage in any specified sexual activities on the premises of a sexually oriented business.

Section 3.02 Agricultural Storage

(A) Definition: Structures for bulk storage of commercially-produced agricultural goods, located on the same lot as a bona fide crop cultivation use.

(B) Standards:

- (1) The minimum lot area shall be 100,000 square feet (2.3 acres) and the minimum lot width shall be three hundred (300) feet.

- (2) A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear property line.
- (3) The total coverage of all main and accessory buildings shall not exceed thirty (30) percent of the lot on which they are located.

Section 3.03 Banks

(A) Definition: A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this Ordinance

(B) Standards: No additional standards.

Section 3.04 Bed and Breakfasts

(A) Definition: A use which is subordinate to the principal use of a dwelling unit as a one-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

(B) Standards:

- (1) Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- (2) Not more than thirty-five (35) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- (3) No bed and breakfast sleeping rooms shall be located in a basement or attic.
- (4) There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
- (5) Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- (6) Bed and breakfast occupants shall be limited to four (4) in one (1) room at any one time.
- (7) The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- (8) A maximum of six (6) persons per each restroom will be permitted.
- (9) Every bed and breakfast bedroom shall contain a functional smoke detector. A fire extinguisher rated five (5) pounds ABC shall be located on each floor. Each bed and breakfast bedroom shall contain a diagram showing all exits with an arrow indicating "YOU ARE HERE."

- (10) Bed and breakfast facilities shall be licensed by the Township. The initial licensing fees shall be set by the Township Board for each bed and breakfast bedroom which sum shall be paid annually. In addition, there shall be an inspection fee to be set by Township Board for every inspection after the initial inspection prior to licensure. The license will be renewed annually, subject to inspection and payment of fees.
- (11) A two (4) feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.
- (12) All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards. Natural buffers by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- (13) Bed and breakfast facilities will comply with all rules, regulations and ordinances of all applicable State and County regulatory agencies.
- (14) No bed and breakfast facilities shall be located within three hundred (300) feet of any other bed and breakfast building, as measured along the centerline of the road upon which such bed and breakfast facilities front.
- (15) Nothing contained herein shall apply to the establishment and operation of hotels or motels.

Section 3.05 Campgrounds

(A) Definition: A facility for overnight stays in non-permanent structures, cabins, tents, or recreational vehicles.

(B) Standards:

- (1) Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or gravel trailer park. Each lot shall be provided with at least one (1) public telephone.
- (2) Each site on a lot designated for camping use may accommodate a travel trailer or tent and shall be provided with individual electrical outlets, except primitive campsites.
- (3) Public stations, housed in all-weather structures, containing adequate water outlet, flush toilets, waste container, electricity, and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- (4) Each lot containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- (5) Except for a convenience goods shopping establishment, no commercial enterprises shall be permitted to operate on the lot.

- (6) Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping). Each parking space shall be two hundred (200) square feet in area.
- (7) Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least fifty (50) feet.
- (8) All sanitary facilities shall be designed and constructed in strict conformance to all applicable Branch County health regulations.
- (9) The development of the entire lot is subject to all applicable requirements of the Michigan Department of Natural Resources.
- (10) A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- (11) Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

Section 3.06 Cemetery

(A) Definition: Land used for the burial of the dead, including columbariums and mausoleums.

Section 3.07 Child Care Centers

(A) Definition: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (1) "child care center" or "day care center" means a facility, other than a private residence, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- (2) "foster family home" is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (3) "foster family group home" means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) "family day care home" means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

- (5) "group day care home" means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty- four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

(B) Standards:

- (1) Child care centers shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.
- (2) For each child cared for, there shall be provided, equipped and maintained on the premises a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
- (3) The outdoor play area shall be fenced in or screened by a heavily planted green belt from any abutting residential uses.
- (4) All state regulations must be met, and proof of state licensure must be submitted prior to approval.

Section 3.08 Commercial Composting and Fertilizer Storage

(A) Definition. A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition. The regulations in this section shall also apply to the outdoor storage of other fertilizers, including lime slurry, on lots other than the lot where the fertilizer will be spread.

(B) Standards.

(1) Site characteristics

- (a) Parcel Size:** A parcel to be used for composting or fertilizer storage shall be a minimum of ten (10) acres in size and shall not exceed forty (40) acres for a single operation. The site shall be capable of accommodating a maximum of three thousand (3,000) cubic yards of leaves or other less than fully decomposed organic waste for every one (1) acre of land. Adequate space must be provided for required setbacks, buffers, and drainage systems, along with room for staging areas, initial processing, windrows, screening areas, curing areas, storage of finished products, office, storage and service buildings, internal rows and storm water retention basins.
- (b) Surface Water:** Sites shall be at least one half mile from permanent surface waters, including inland rivers, ponds, water courses, and county drains.
- (c) Airports:** The location of the facility must comply with any Federal or State restrictions on the location of waste disposal facilities near airport.
- (d) Floodplains:** A composting facility shall not be allowed in any 100-year or 500-year floodplain.

(e) **Wetlands:** A composting facility shall not be allowed in any protected wetlands.

(f) **Finished Compost:** A composting facility shall obtain and offer proof to the Township of receipt of any licenses required by the Michigan Department of Agriculture for the sale of finished compost product.

(2) Ground and surface water quality.

(a) A Level I Environmental Assessment of the site shall be conducted prior to site plan review and a report submitted with the site plan. Should the Level I Assessment indicate adverse environmental activity, a Level II Environmental Assessment shall be required and further, ground water testing and soil boring shall be conducted. To ensure that ground or surface waters are not contaminated, no less than four (4) monitoring wells must be installed at all sites by the owner / operator and / or lessee on site prior to construction of the composting facility with at least one on each side of the facility. The location of such wells shall be determined on a site by site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.

(b) If any stream or swale is present on the site, it shall be buffered by a forty-foot (40') unoccupied setback measured from the outer edge of the floodplain or all alluvial (clay, silt, sand, gravel or similar material deposited by running water) soils. Further, a vegetative strip shall be required at the setback. Approval from the designated agent responsible for the enforcement of the Soil Erosion and Sedimentation Control Act, Public Act 347 of 1972 that being the Branch County Drain Commissioner, shall be required ensuring the stream is adequately protected from pollution.

(c) The surface and groundwaters at a composting facility shall comply with all County, State, and Federal water quality requirements, including all testing requirements before, during, and after operation on the site and all required remediation activities. Copies of all reviews and approvals from the relevant agencies must be submitted to the Township.

(d) Discharge of water collected in an on-site retention basin shall only be handled in the following ways.

(i) Reintroduced into the compost pile.

(ii) Directed into a sanitary sewer

(iii) Transported by a liquid industrial waste hauler

(3) Operations. The applicant shall submit, with the site plan, an operations plan designed to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan must be approved by the Planning Commission prior to beginning operation of the facility. Written documentation as to the operations plan shall address the following:

(a) Proposed hours of operation.

(b) Methods of controlling fugitive dust, noxious odors, noise, vibration, light and blowing debris.

(c) Fencing and other means of limiting access.

- (d) Method and location of receiving compost materials.
- (e) Method of sorting and handling composting materials on-site.
- (f) Measures to be taken should anaerobic conditions (occurring in absence of free oxygen) arise.
- (g) Expected frequency of removal of composted materials.
- (h) Expected frequency for turning of composting windrows.
- (i) Fire protection.
- (j) Description of daily cleanup procedures.
- (k) Measures to be taken should surface or ground water contamination take place.
- (l) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
- (m) Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting which allows on-site ponding/pooling of water in places other than a retention basin.
- (n) In the preparation of the operations plan or the contingency plan required by this Ordinance, the applicant or operator shall comply with the requirements of the Air Quality rules promulgated under Air pollution Act 348 of 1965 as amended.
- (o) Testing procedures for moisture content, nitrogen ratios and temperature and how often it will be tested.
- (p) Proposed number of employees and description of any training or experiences which will be required or supplied to those employees.
- (q) Detailed plan as to proposed method of correcting anaerobic conditions which may arise.
- (r) Plan as to means of handling and disposing of non-yard waste garbage.
- (s) List of equipment to be used at the facility to chip, grind, turn, load, unload, screen and haul yard waste and finished compost.
- (t) List and description of any and all chemicals to be used as accelerant for dust or odor control at the facility or for any other purpose at the facility.
- (u) Statement of intention to conduct and pay for annual rodent inspections and plan detailing means of remedying any rodent problem which may arise.
- (v) Marketing plan for finished compost and contingency plan for use of finished compost if it cannot be sold in accordance with plan.
- (w) If bagged materials will be accepted on site, applicant must submit operations plan for debagging process indicating time in which compost will remain in bags and methods for ensuring that no bags or remnants thereof become a part of the compost materials.

(x) Emergency Plan which includes action to be taken in the event of a natural disaster, equipment failure, extended adverse weather, unauthorized dumping or receipt of hazardous materials or other emergency situations. Plan should address reserve or alternative equipment, alternative handling methods, agencies to be notified and method of handling compost and/or operating facility in an emergency.

(y) The applicant shall ensure that the tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and shall ensure that mud and/or compost materials which are tracked off-site are adequately removed. At the time of submission of a site plan, the operator of the composting facility shall submit an off-site road maintenance plan which addresses, at a minimum, the following:

(i) Method of dislodging mud and/or composting materials from the vehicles or undercarriage.

(ii) An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.

(iii) Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.

(iv) Trucks and off-site roads shall be cleaned as described in the plan as required under this Ordinance as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

(4) The timeframe, estimated costs, and a plan to ensure financial resources will be available to ensure full compliance with the Closing Plan required in Subsection C.

(C) Closing Plan. A closure plan shall be submitted with the site plan which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan shall describe:

(1) How the existing site will be cleaned up.

(2) How and where the existing surface debris will be disposed of.

(3) What the final disposition of the land will be.

- (D) The applicant shall post a bond, letter of credit, or the establishment of an escrow account to ensure and guarantee full compliance with the Closing Plan described in Section 3.07(C), which will be posted with the Township Clerk before the issuance of any zoning, building or construction permit. The amount of such guarantee shall be no less than the estimated cost of cleanup and may include a provision for inflationary cost adjustments. The estimate shall be by the engineer for the applicant and shall be subject to approval by the Township Board. If the Township is required to enforce the guarantee or otherwise take legal action to enforce compliance with this Section, the Township shall be entitled to recovery of any and all costs, including attorney fees.
- (E) To ensure proper buffering of the composting facility from nearby land uses which may be adversely affected by the facility, the following requirements shall apply:
- (1) No composting facility shall be constructed within 1,500 feet of an existing residentially-zoned or residentially-used lot line. The isolation distance shall be measured from the nearest working area of the composting facility to a residential lot line in residential districts.
 - (2) There shall be established along all of the composting facility's lot lines a dense evergreen landscape buffer strip. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows twenty (20) feet apart on center in each row. This requirement shall supersede any other landscape screening requirements in this Ordinance.

(F) Fugitive Dust, Noxious Odors, Noise, Vibration, Light and Blowing Debris

- (1) The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
- (2) The following performance standards must be met in an effort to control noxious odors, noise, vibration, and light so as to prevent off-site problems and nuisances:
 - (a) **Odor:** The emission of noxious odors is prohibited. Noxious odors shall include any odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air as to produce a public nuisance or hazard beyond lot lines.
 - (b) **Water:** All water used by the composting facility shall be drawn from streams, wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.
 - (c) **Noise:** The pressure level of sounds shall not exceed 45 dB at the nearest residentially or agriculturally zoned property line, 65 dB at the nearest commercially zoned property line, and 75 dB and the nearest industrially zoned property line.
 - (d) **Vibration.** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.

- (3) All composting facilities must notify, in writing, the Matteson Township Zoning Administrator and Branch County Health Department that actual operations have begun.
- (4) Site shall be closed when anaerobic conditions arise and the only operations which will be permitted during these conditions must be directly related to correcting the anaerobic conditions. If anaerobic conditions arise more than two (2) times in a one month period and the facility owner/operator fails to remedy the problem, the Township shall take appropriate enforcement actions. Corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Zoning Administrator.
- (5) Compost materials shall not be accepted on site in an anaerobic condition. If inspections reveal acceptance of anaerobic materials the owner/operator and/or lessee shall be subject to the closure of the facility.
- (6) If there is evidence that performance standards have not been met and / or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten (10) working days from the date that the Zoning Administrator notifies the operator of the problem or nuisance condition requiring a contingency plan. This plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two (2) weeks.

(G) Compost or Fertilizer Storage

- (1) Storage of any material, other than compost or fertilizer, shall not be allowed on site.
- (2) Height of material shall not exceed eight (8) feet.
- (3) No bagged materials containing grass or other materials shall be stored at the composting facility in excess of thirty (30) days.
- (4) Finished compost shall not be allowed to remain on site in excess of a two (2) year period.

(H) Violations and Penalties

- (1) Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the revocation of site plan approval as provided for herein. If necessary, the Township has the right to seek a declaration that the site is a public nuisance. Upon the issuance of such a declaration, the Township may abate the nuisance and assess the costs as a lien upon the property.
- (2) Any site plan and/or Operations Plan approval may be revoked when the facility is not in conformance with those plans or those plans fail to adequately meet the requirements of this Ordinance. The Planning Commission shall give the applicant notice of intention to revoke such permit approval at least ten (10) days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the facility if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.

Section 3.09 Crop Cultivation

- (A) Definition: The use of land for non-animal agricultural purposes, including farming, pasturage, nurseries, and orchards.

(B) Standards. No additional standards.

Section 3.10 Drive-Thrus

(A) Definition: A facility designed to serve customers in their cars from a window in the building.

(B) Standards.

- (1)** Businesses with drive-thru facilities shall have a minimum lot size of twenty thousand nine hundred (20,900) square feet, with a minimum lot width of (100) feet abutting the street right-of-way.
- (2)** The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
- (3)** A drive-thru facility or free standing automated teller machine shall be located on the site to accommodate a minimum depth (column) of four (4) vehicles at one time.

- (4) The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
- (5) The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.

Section 3.11 Funeral Homes and Mortuaries

(A) Definition. An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

(B) Standards:

- (1) Lot area shall be a minimum of 1.0 acres.
- (2) Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

Section 3.12 Garage Sales and Yard Sales

(A) Definition: A temporary retail use located on a lot otherwise used for residential purposes.

(B) Standards:

- (1) Garage and yard sales shall only offer privately-owned articles and shall not include merchandise purchased for or a commission paid for resale (such sales are commercial "flea markets"). A single dwelling unit shall not have more than three (3) sales per year and each sale shall not be more than three (3) days in length.
- (2) A garage sale or yard sale may be advertised by means of signs, each not exceeding four (4) square feet. Such signs shall not be erected more than seventy-two (72) hours in advance of the sale and must be removed at the conclusion of the sale.

Section 3.13 Gas Stations

(A) Definition: A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Vehicle filling stations' may also incorporate a convenience store operation as an Accessory Use, provided it is clearly incidental to the filling station use, but no vehicle repairs shall be permitted.

(B) Standards:

- (1) Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage and twelve thousand (12,000) square feet for a filling station.
- (2) Minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station and one hundred (100) feet for a filling station.
- (3) An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.

- (4) Ingress and egress drives shall be at least thirty (30) feet wide, and shall be no wider than sixty (60) feet.
- (5) No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- (6) No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where in the opinion of the Zoning Administrator it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- (7) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

Section 3.14 Gun Range, Private Outdoor

(A) Definition: An outdoor facility for the recreational discharge of firearms aimed at a target, for the use of the property owner and invited guests, where the general public is not permitted, and no entry fee is charged. The gun range may be accessory to a home or other principal use. Additionally, any gun range at which, at any time, more than 25 persons participating in the discharge of firearms shall be considered a public outdoor gun range, regardless of whether or not the gun range is consistent with the rest of this definition.

(B) Standards:

- (1) Outdoor ranges may be operated during the daylight hours between 9:00 AM and either dusk or 8:00 PM, whichever is earlier.
- (2) All Private Outdoor Gun Ranges shall be provided with a backstop between the target line and the lot line that is in the direction of fire.
 - (a) The backstop shall be constructed of dirt, and shall be soft enough to prevent bullet ricochet, but firm enough to provide a consistent shape and height. The backstop must be at least 10 feet tall, with a slope of between 35 and 55 degrees on either side.
 - (b) The backstop must have a width at least equal to the distance between two lines, each emanating at a five degree angle from the firing position, as measured from the intended direction of firing.
- (3) The gun range must be located and designed so that no residential homes are within 300 feet of the firing line in the direction of fire.
- (4) Outdoor gun ranges must be operated in compliance with all County, State, and Federal laws.

Section 3.15 Gun Range, Public Outdoor

(A) Definition: An outdoor facility for the recreational discharge of firearms aimed at a target, where the general public, for pay or donation, may participate, or where at any one time more than 25 persons are participating in the discharge of firearms.

(B) Standards:

- (1) Individual ranges, areas containing more than one range, or the entire property shall be enclosed with a minimum six (6) foot fence. Range fencing shall enclose the range proper, backstop, side walls, or greenbelt, shot fall area for shotgun ranges, firing line, ready areas, and any other area in which a person might unwittingly subject himself to reasonable hazard.
- (2) No-trespassing or danger signs designating the hazard, not less than two (2) square feet nor more than four (4) square feet in area, and spaced not more than two hundred (200) feet apart, shall be posted on the upper portion of the fence enclosing the range. The sign shall also be posted at each gate and other entry.
- (3) Outdoor ranges may be operated during the daylight hours between 9:00 AM and either dusk or 8:00 PM, whichever is earlier.
- (4) Trap, skeet or other shotgun ranges shall be placed such that the firing positions are not less than nine hundred (900) feet from the nearest property line in the direction of fire. No backstop is required for such shotgun ranges.
- (5) All outdoor pistol and rifle ranges shall be provided with a secondary backstop and a primary bullet-stop immediately behind the target line. The primary bullet-stop shall consist of inclined steel plates with sand pits, or heavy timbers backed with earth. The steel plates shall be backed with sand or other sound deadening material. The secondary backstop shall be constructed of earth and shall be of sufficient height to subtend an angle of not less than six (6) degrees above the horizontal when viewed from the firing line, shall be equal to or greater than its distance from the firing line plus the width of the firing line. This backstop may be a natural rise of ground if free of stone and exposed rock and lying entirely within the fenced area. Alternative construction affording equivalent protection and noise reduction are allowed with the approval of the Planning Commission.
- (6) In addition to the primary and secondary backstops, all outdoor pistol and rifle ranges shall be enclosed on the remaining three (3) sides by a dense greenbelt of bushes, brush or trees not less than ten (10) feet in height and not less than two hundred (200) feet in width. As an alternative to the greenbelt, an earthwork may be constructed such that the top of the earthwork subtends an angle of not less than six (6) degrees from the horizontal when viewed from any point on the firing line, or not less than ten (10) feet in height, whichever is greater. In case of the earthwork, the two hundred (200) feet distance between the firing line and the property line shall be maintained. Alternative construction affording equivalent protection and noise reduction may be allowed on petition to the Planning Commission.
- (7) Outdoor gun ranges must be operated in compliance with all County, State, and Federal laws.
- (8) There shall be no very serious impairment to the quiet enjoyment of properties due to noise or stray bullets from the Outdoor Gun Range. The Township reserves the right to revoke the Special Use Permit of any Outdoor Gun Range found in violation of this provision. In the event of a dispute about the level of impairment, the Planning Commission shall determine whether or not to revoke the Special Use Permit. The Planning Commission may request a report from the Branch County Sheriff's Department regarding the use of the property.

Section 3.16 Health and Athletic Clubs

(A) Definition: A non-residential facility for indoor athletic training, exercise, and/or competitive sports.

Section 3.17 Home Occupations

(A) Definition: An accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling, said use shall be conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects.

(B) Standards for Home Occupations Not Involving Retail, Fabrication, or Repair:

- (1) A home occupation shall be conducted entirely within a residential building.
- (2) Only persons residing on the premises shall be engaged in the home occupation.
- (3) The use of a dwelling for a home occupation shall be secondary and incidental to its use for residential purposes.
- (4) Not more than twenty-five (25) percent of the dwelling unit total for all occupations, exclusive of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches, shall be used for purposes of the home occupation.
- (5) The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit in which a home occupation is located.
- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, other than normal on-street parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (7) Sounds generated by the home occupation shall not exceed 45 dB at the nearest residentially or agriculturally zoned property line.

A dwelling unit shall have not more than a total of one (1) sign advertising the home occupation or garage or yard sale. A sign advertising a home occupation shall not exceed ten (10) square feet in area and shall not be located nearer to the front lot line than one-half (1/2) the distance of the required front yard setback nor shall such a sign be located in the required side yard setback. If a home occupation sign is attached to the dwelling, it shall not exceed four (4) square feet in area.

- (8) The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.

(C) Standards for Home Occupations Involving Retail, Fabrication, or Repair

- (1) A home occupation shall be conducted entirely within a residential building or accessory structures accessory to a residential building.
- (2) No more than two persons not residing on the premises shall be engaged in the home occupation.
- (3) The use of a residential lot for a home occupation shall be secondary and incidental to its use for residential purposes.
- (4) Not more than twenty-five (25) percent of the dwelling unit total for all occupations, exclusive of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches, shall be used for purposes of the home occupation.
- (5) The outdoor storage of goods and materials shall be only be permitted in the rear yard, and must be screened from off-site view by a fence at least six feet high.
- (6) No interior display shall be visible from the exterior of a dwelling unit in which a home occupation is located.
- (7) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, other than normal on-street parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (8) All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Any mechanical equipment used for a home occupation shall be not substantially different from that normally used for household purposes and hobbies.
- (9) A dwelling unit shall have not more than a total of one (1) sign advertising the home occupation or garage or yard sale. A sign advertising a home occupation shall not exceed ten (10) square feet in area and shall not be located nearer to the front lot line than one-half (1/2) the distance of the required front yard setback nor shall such a sign be located in the required side yard setback. If a home occupation sign is attached to the dwelling, it shall not exceed four (4) square feet in area.
- (10) The activities and facilities associated with the home occupation shall not change the residential character of the property or the immediate neighborhood and shall not endanger the health, safety and welfare of any other person or household living in the general or immediate area by reason of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards and/or other such negative impacts.

Section 3.18 Hotels

(A) Definition: A building occupied or used predominantly as a temporary abode by individuals or groups of individuals, and in which building there are more than five sleeping rooms, none which have cooking facilities.

(B) Standards:

- (1) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
- (2) When the front yard is used to provide access, a greenbelt shall be provided along the front property line, except at drive openings.
- (3) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
- (4) When adjacent to a Residential District, a chain link fence or masonry wall, four to six (4'-6') feet in height, shall be erected on the common property line, plus a greenbelt planted and continually maintained parallel to and inside of such fence or wall.

Section 3.19 Indoor Recreation

(A) Definition: Indoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits. Indoor recreation uses include, but are not limited to, bowling establishments, billiard halls, indoor archery and shooting/gun ranges, indoor swimming pools, indoor tennis courts, indoor skating rinks, arcades, and indoor driving ranges.

(B) Standards: No Additional Standards

Section 3.20 Kennels

(A) Definition: Any lot or premises on which five (5) or more dogs are either permanently or temporarily boarded.

(B) Standards:

- (1) All kennels shall be operated in conformance with all applicable County regulations, license being valid no longer than one (1) year.
- (2) Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than fifty (50) feet to any adjacent property line, and shall not be located in any required front, rear or side yard setback area.
- (3) Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of the Planning Commission deemed necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

Section 3.21 Livestock Auction Yard

(A) **Definition:** A facility for the sale of live livestock, including on-site facilities for the keeping of animals.

(B) **Standards:**

- (1) All livestock shall be kept in enclosed pens.
- (2) Livestock loading/unloading facilities shall be located to the rear or side of such enclosed pens.
- (3) Dust and odor mitigation practices shall be applied in a consistent and timely manner.
- (4) All livestock holding areas associated buildings and loading/unloading areas shall be located no closer than one hundred (100) feet from the property line of adjacent developed properties and no closer than three hundred (300) feet from the property line of the nearest residentially developed parcel.

Section 3.22 Livestock Feedlots (Intensive)

(A) **Definition:** An agricultural facility including the number of animals necessary to be considered an intensive livestock operation under the generally accepted agricultural management practices (GAAMPs) adopted by the state of Michigan.

(B) **Standard:** All livestock feedlots shall conform to the Michigan Department of Agriculture's "Generally Accepted Management Practices" for intensive livestock operations.

Section 3.23 Livestock Raising (Non-Intensive)

(A) **Definition:** An agricultural facility involving the raising of livestock that does not include the number of animals necessary to be considered an intensive livestock operation under the generally accepted agricultural management practices (GAAMPs) adopted by the state of Michigan.

(B) **Standard:** All livestock operations shall conform to the Michigan Department of Agriculture's "Generally Accepted Management Practices" appropriate to the animals and the operation in question.

Section 3.24 Manufactured Home Parks

(A) **Definitions:**

- (1) **Manufactured Home Park:** A parcel of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.
- (2) **Manufactured Home Site:** A measured parcel of land within a manufactured home park which is delineated by lot lines on a final development plan and which is intended for the placement of a manufactured home and the exclusive use of the occupants of such manufactured home.
- (3) **Manufactured Home Subdivision:** A mobile home park except that the manufactured home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

(B) Purpose. Manufactured Home Parks are allowed as a Special Use within the R-1 Rural Residential District to provide for the location of manufactured home dwellings in an attractive and orderly manner in Matteson Township. It is the particular purpose to concentrate such dwelling units in areas of similar housing and to avoid whenever possible scattering of such units throughout the Township. Matteson Township recognizes that manufactured home dwellings provide respectable, lower cost housing for persons who might otherwise be unable to economically locate within the Township. No travel trailer, camper trailer, motor home, or similar unit may be used or occupied for permanent dwelling purposes in any area of Matteson Township. However, manufactured homes designed for permanent residential living may be located in any residential district, provided they meet the required standards of that district, or in areas designated hereunder as manufactured home parks within the R-1 District as approved by the Matteson Township Planning Commission and Township Board following a public hearing. The public hearing is to be advertised in the same manner as prescribed for amendment to this Ordinance in accordance with Act 184 of the Public Acts of 1943. Determination by the Planning Commission and the Township Board shall be made based upon the requirements and standards set forth in PA 96 of 1987 (the Mobile Home Commission Act) and the Mobile Home Code and the standards for manufactured home parks as set forth in this section.

(C) Uses Permitted. Subject to the conditions set forth in Sections 20.3, 20.4, 20.5, 20.6.

- (1) Manufactured home dwellings, within a manufactured home park, on a parcel of at least twelve thousand (12,000) square feet which may be reduced to six thousand (6,000) square feet if public sewers are provided.
- (2) Accessory uses as described in Section 14.4(2) and community buildings and park maintenance equipment storage buildings.
- (3) Home occupations.

(D) Definitions

- (1) **Manufactured (Mobile) Home.** Means a movable or portable dwelling of thirty-five (35) feet, or more, in length, which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-around living as a single-family dwelling unit without the necessity for a permanent foundation. The term shall not include pickup campers, travel trailers, converted buses, or tent trailers.
- (2) **Manufactured Home Lot or Site.** See Article 2.
- (3) **Manufactured Home Park.** See Article 2.
- (4) **Manufactured Home Stand.** Means that part of an individual lot which has been reserved for the placement of the manufactured home, appurtenant structures or additions.
- (5) **Manufactured Home Subdivision:** See Article 2.

(E) Procedure and Permits. The following describes the procedures and permits necessary for the development of a manufactured home park:

- (1) **Planning Stage.** In addition to those procedures prescribed in this Ordinance, the developer of a manufactured home park shall first obtain a Construction Permit from the Director of the Michigan Department of Public Health and otherwise satisfy all requirements and receive state approval as required in the Michigan Trailer Coach Act, being Act 243 of the Michigan Public Acts of 1959, as amended.

(2) Construction Permit. Said developer shall further obtain a building permit from the Matteson Township Building Inspector as required in the Township Building Code.

(3) Periodic Inspections. The Matteson Township Building Inspector or other agents authorized by the Matteson Township Board are granted the power and authority to enter upon the premises of such park at any time for the purpose of determining and/or enforcing any provisions or provision of this or any Matteson Township Ordinance applicable to the conduct and operation of manufactured home parks. The management shall maintain a current list of all persons occupying (permanently or temporarily) any manufactured home located in the park which shall be available for inspection by authorized Matteson Township representatives.

(F) Compliance with Mobile Home Commission Rules. No manufactured home park shall be established within the R-1 District unless the park complies with the rules of the Michigan Mobile Home Commission.

(G) Regulations and Standards for Manufactured Home Parks

(1) Park Area. The land area of a manufactured home park shall not be less than fifteen (15) acres.

(2) Manufactured Home. Each manufactured home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.

(a) The manufactured home shall be connected to a public sewer or water supply system or to such private facilities approved by the local Health Department.

(b) Manufactured homes shall in all respects comply with all construction, plumbing, electrical and insulation requirements of a type and quality conforming to the "MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.

(c) Installation of manufactured homes upon each manufactured home site shall be accomplished in accordance with Part 6 of the Mobile Home Commission rules. All manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Mobile Home Commission rules.

(3) Yard Requirements. Each manufactured home site shall have a minimum side yard of twenty (20) feet at the entry side of a manufactured home and a minimum side yard of ten (10) feet at the non- entry side. There shall be a minimum of ten (10) feet between the ends of the manufactured home and the rear lot lines. Expandable rooms, enclosed patios, or other structural appurtenances shall be included in determining the manufactured home stand or concrete apron area. Patios and individual storage facilities shall be disregarded when determining yard widths. The edge of an internal hard surfaced street shall be deemed a site boundary line.

(4) Height. No multiple decking of manufactured homes shall be allowed. Maximum height shall not exceed fifteen (15) feet.

(5) Other Dimension(s) Requirements. No manufactured home shall be located closer than:

(a) Thirty (30) feet measured from the nearest edge of any public road or public street right-of-way. The buffer area thus created is to be landscaped and maintained by the park management in a neat and orderly manner.

(b) Thirty (30) feet to the boundary of such park which is not a public street.

- (c) Fifty (50) feet to any parking area designated for general parking in such park (general parking shall be defined as parking bays for other park residents).
 - (d) Fifty (50) feet to any service building in such park.
- (6) Each manufactured home site shall be provided with a stand consisting of a solid pad of reinforced concrete not less than four (4) inches thick and not less than the length and width of the manufactured home that will use that site. Tie-down facilities will also be incorporated into the concrete so that guy lines shall be installed under the manufactured home at sufficient intervals to prevent upheaval of manufactured homes during severe winds and storms. This pad shall be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
 - (7) Each manufactured home shall be supported on uniform jacks or blocks supplied by the manufactured home park management.
 - (8) No manufactured home shall be occupied by more than one (1) family.
 - (9) Uniform skirting of each manufactured home base shall be required, within thirty (30) days after initial placement, such skirting shall be of twenty-six (26) gauge solid sheet metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to this manufactured home so as to deter and prevent entry of rodents and insects. Storage of goods and articles underneath any manufactured home site shall be prohibited. Skirting shall be vented and shall provide access to water supply and sewage disposal systems for inspection purposes.
 - (10) Canopies and awnings may be attached to any manufactured home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such devices shall be considered as part of the manufactured home and a permit required, issued by the Township Building Administrator, before such enclosure can be used for living purposes.
 - (11) On-site indoor and outdoor laundry (coin-operated washers and dryers acceptable) of adequate area and suitable location, shall be provided and where outdoor drying space is required or desired, individual clothes drying facilities on each site of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-embedded socket at each site.
 - (12) All manufactured homes within such parks shall be suitably connected to sewer and water services provided at each manufactured home site, cost to be assumed totally by developer, and shall meet the requirements and be approved by the Branch County Health Department.
 - (a) All sanitary sewage facilities, including plumbing connections to each manufactured home site, shall be constructed so that all facilities and lines are protected from freezing, from pumping or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of park at peak periods. Running water from a state tested and approved supply, designed for a minimum flow of two hundred (200) gallons per day per manufactured home site shall be piped to each manufactured home. Sewer connections shall not exceed ten (10) feet in length above ground.
 - (b) Storm drainage facilities shall be so constructed as to protect those that will reside in the manufactured home park, as well as the property owners adjacent to the park.
 - (13) Disposal of garbage and trash.

- (a) All garbage and trash shall be placed in an approved container, and the removal shall take place not less than once a week. Individual incinerators shall be prohibited.
- (b) The method used for such removal shall be approved by the State and inspected periodically by the Branch County Health Department.
- (c) Disposal of garbage and trash is the responsibility of park management.

(14)All electric, telephone and other lines from supply poles outside the park or other sources to each manufactured home site shall be underground. In addition, street lights shall be provided attached to poles or other structures approved by Matteson Township at least every 300 feet, and at all intersections.

(15)Every manufactured home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park to satisfy regulations of the State Fire Marshal and the Matteson Township Fire Chief.

(16)Open Space and Recreation.

- (a) A buffer of trees and shrubs not less than fifty (50) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required to be erected by the developer to separate the park from adjacent property.
- (b) Any and all plantings in the park shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but no longer than one (1) growing season.
- (c) A recreation space shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any manufactured home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area.

(17)Street Systems.

- (a) All manufactured home parks shall be provided with at least two (2) points of safe and convenient vehicular access from an abutting street. No entrance to a park shall be located closer than one hundred twenty-five (125) feet from the proposed rights-of-way of any two (2) streets.
- (b) Each individual manufactured home site shall abut, face, or have clear, unobstructed access to a drive, road or street, within the park. All streets shall have an approved cross- section in accordance with the standards of the Branch County Road Commission and the paved surface shall not be less than twenty-one (21) feet in width. No park shall provide or have direct access through any recorded single-family subdivision.

(18)Required Parking Areas.

- (a) Off -street parking shall be provided in all manufactured home parks for the use of occupants and guests. Parking spaces shall be at the ratio of at least two (2) car spaces, not less than ten (10) feet by twenty (20) feet in size for each manufactured home site.

- (b) No motor vehicles shall be permitted to be parked or stored within any required open space between manufactured homes or stored on any drive or street within the park. The park developer or owner shall provide a separate area within the park for the storage of tenants' camping trailers, boats, snowmobiles, and other similar recreational equipment, and such items shall not be stored in any other area of the park.
- (c) Parking bays or off-street parking spaces shall be provided within the thirty (30) foot setback area between interior park streets and the manufactured home provided that no parking space shall be located closer than ten (10) feet to any manufactured home.
- (d) If carports are provided, they shall comply with all setback and open space requirements for manufactured homes.
- (e) Additional parking, equal to one (1) space for three (3) manufactured homes, shall be provided for visitor parking and shall be distributed throughout the park. Each visitor parking site shall be located within five hundred (500) feet of the manufactured home site it is intended to serve.

(19) Use of Park Areas for Nonresidential Purposes.

- (a) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park; provided, however, that retail sales of new or used manufactured homes may be made from the park, by the owners of the park, or the sole licensee or agent of the owners, but all said manufactured homes held for sale shall be displayed on regular manufactured home sites of the park and said manufactured homes on display shall be limited to fifteen (15) percent of the available sites in the park.
- (b) Nothing contained in this Section shall be deemed as prohibiting the sale of manufactured homes located on a manufactured home stand by the individual owner or his agent.

(20) Signage

- (a) Signage in the Manufactured Home Park shall meet the requirements of Article 16.

(21) Site Plan Review. An application for approval of any land for a manufactured home park shall be submitted and processed under the following procedures:

- (a) In accordance with Part 9 of the Mobile Home Commission rules, a preliminary plan shall be submitted to the Matteson Township Planning Commission for approval and the Planning Commission shall render its response within sixty (60) days. Each application shall be accompanied by the payment of a preliminary sketch plan review fee, the amount of such fee determined by resolution of the Matteson Township Board. As a part of said application, the applicant shall file at least ten (10) copies of a Sketch Site Plan. All plans submitted shall conform to the rules of the Mobile Home Commission and to this Ordinance. The Sketch Site Plan shall conform to the following minimum requirements:
 - (i) Contain as many illustrations as necessary to show the required data in sufficient detail to allow the Planning Commission and Township Board to determine compliance with the sketch plan requirements.
 - (ii) Provide a legal description and show location, size and shape of property involved.

- (iii) Be drawn to such a scale to adequately reflect the size, shape, and location of existing and proposed man-made and natural facilities to be part of the site.
- (iv) Show a vicinity sketch, scale and north point.
- (v) A list of the names and financial interest in the project of all owners. If owners are corporations, the names of the officers and major stockholders of these corporations should be included.
- (vi) Any other information deemed necessary by the Township Board.
- (vii) Upon receipt of such materials by the Clerk, the Township shall transmit one (1) copy to each of the following for their review and written comments:
 - 1) Branch County Road Commission
 - 2) Branch County Health Department
 - 3) Branch County Drain Commission
 - 4) School District Board of Education
 - 5) Fire Chief
 - 6) State Water Resources Commission

The Clerk shall transmit the remaining copies of the preliminary site plan to the Planning Commission and Township Board for their review. The Planning Commission shall upon receiving the comments of the county and local agencies undertake a study of the preliminary site plan and shall report their findings to the Township Board within forty- five (45) days of the receipt of application, unless extended by mutual agreement between the petitioner and the Planning Commission.

(22)Hearing. After adequate review and study of any application, the Township Planning Commission shall hold a joint public hearing. Following the hearing (not necessarily the same day) the Planning Commission and Township Board may impose any additional conditions and safeguards deemed necessary for the general welfare, then either approve or deny the preliminary permit.

(23)Final Detailed Site Plan. Following preliminary approval of the Sketch Site Plan, the petitioner shall submit to the Mobile Home Commission ten (10) copies of the detailed construction documents and site plan, as well as any other data, exhibits and information required.

(24)Every Detailed Site Plan submitted to the Planning Commission shall be in accordance with the following requirements:

- (a) Contain as many illustrations as necessary to show required data in sufficient detail to allow the Planning Commission and Township Board to determine compliance with the Detailed Site Plan requirements.
- (b) Vicinity sketch of a scale of one (1) inch to one thousand (1,000) feet.

- (c) Drawings other than the vicinity sketch to be of a scale of one (1) inch equals one hundred (100) feet.
 - (d) Scale, North Point and all boundary dimensions.
 - (e) Lot Lines, including accurate dimensions, angles, and sizes correlated with the legal description of said property.
 - (f) Existing natural features, topography, woodlots, streams, rivers, lakes, drains, wetlands, and similar features.
 - (g) Existing man-made features such as buildings, structures, high tension towers, pipelines, existing utilities, excavations, bridges, culverts, drains and casements.
 - (h) Any changes in existing natural or man-made feature intended, e.g., grading plan, landscape plan, etc.
 - (i) Location, area and dimensions of proposed manufactured home sites and stands; accessory building or buildings; height of all principal and accessory structures and building or buildings; and a density schedule showing the number of proposed manufactured home units.
 - (j) Proposed streets, driveways, sidewalks, exterior lights and other vehicular and pedestrian circulation features with and adjacent to the site; location, area, number and dimensions of parking spaces; and identification of service lanes and services parking areas. Details of roads and drives.
 - (k) Location, use and size of all utility service facilities, including any common fuel storage tank facilities, water and fire hydrants.
 - (l) Plans shall be designated and prepared by a qualified and registered professional architect, engineer, landscape architect, planner, or other professional.
 - (m) Any other information deemed necessary by the Planning Commission.
- (25) Upon receipt of such materials by the Clerk, the Township shall transmit one copy to each of the following for their review and comment:
- (a) Branch County Road Commission
 - (b) Branch County Health Department
 - (c) Branch County Drain Commission
 - (d) School District Board of Education
 - (e) Fire Chiefs
 - (f) State Water Resources Commission

The Clerk shall transmit the remaining copies of the Detailed Site Plan to the Planning Commission and Township Board prior to its next regularly scheduled meeting. The Planning Commission and Township Board shall, upon reviewing the comments of the county agencies, undertake a study of the Detailed Site Plan and shall within sixty (60) days after the Clerk's acceptance or within an extension of the sixty (60) days if there is mutual acceptance of this extension between the petitioner and the Township Planning Commission, give their approval or disapproval of said Detailed Site Plan. Construction of a mobile home park shall not commence

until the Mobile Home Commission has reviewed the owner's or developer's construction plans and issued its permit for construction.

Section 3.25 Manufacturing

(A) Definition: A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

(B) Standards: No additional standards.

Section 3.26 Medical Clinics

(A) Definition: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

(B) Standards: No additional standards.

Section 3.27 Mining of Sand and Gravel

(A) Definition: All or part of the process involved in the extraction and processing of mineral materials, but shall not include removal of gravel, sand, clay, stone aggregate and soil from a single parcel of land during any calendar year of: 1.) less than 1,000 cubic yards of materials when such removal is NOT attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Matteson Zoning Ordinance or 2.) Less than 10,000 cubic yards of material when such removal is attendant to development in accordance with an approved land balancing operation subject to the requirements of this Ordinance or pursuant to a site plan or plat which has been approved in accord with all rules and regulations of the Matteson Zoning Ordinance.

(B) All such operations shall be located on a primary road, as defined by the county, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the County Road Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations.

(C) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150) feet to interior boundary lines of the property being mined, but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly effected (within 48 hours after mining or excavation is terminated) in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth is at all times maintained.

- (D)** No such excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (E)** The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practical, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
- (F)** No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction.
- (G)** Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- (1)** Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public roadway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.
 - (2)** Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6) feet in height.
 - (3)** Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good repair.
- (H)** Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- (I)** Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- (J)** The operation shall be restricted to the hours of seven o'clock a.m. until seven o'clock p.m. and no operations shall be allowed on Sundays.
- (K)** All dangerous excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

(L) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.

(M) The following standards shall control reclamation and rehabilitation:

(1) All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, nonflammable, nonpolluting and noncombustible solids to ensure:

(a) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,

(b) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

(2) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

(3) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.

(4) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

(5) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

(N) A performance bond or cash shall be furnished the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be set by the Township Board for land proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. The dollar amount of the guarantee shall be set by the Township Board.

- (O) No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
- (1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - (2) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
 - (3) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - (4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - (5) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
 - (6) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- (P) The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning/Zoning Commission as may be established by the Township Board.
- (Q) Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a digital video showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.
- (R) Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
- (S) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for mining operations.

(T) All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists, in amount to be established by the Township Board. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

Section 3.28 Nursing Homes

(A) **Definition:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

(B) **Standards:**

- (1) Minimum lot size shall be three (3) acres.
- (2) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- (3) The main and accessory buildings shall be set back at least twenty-five (25) feet from all property lines.
- (4) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

Section 3.29 Office

(A) **Definition:** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

(B) **Standards:** No additional standards.

Section 3.30 Outdoor Events (Temporary)

(A) Definition: A transient use in place for a limited period of time, with an anticipated attendance of at least 250 people at any given time.

(B) Standards:

- (1) Parking must be provided on the site, with spaces meeting the dimensional and construction standards of the Township. The number of spaces provided shall be at least 90% of the required parking for the permanent, principal use on the site, plus 100% of the parking required for the temporary outdoor event or sale. Parking spaces covered or otherwise rendered unusable during the event shall not count towards the required parking.
- (2) The applicant shall estimate the maximum number of people who are anticipated to be in attendance at the event at any given time, and then shall provide 1 toilet per 50 people in the anticipated maximum attendance. Portable toilets are acceptable. The Planning Commission may enforce a greater number of toilets than estimated by the applicant, upon a determination that more people may attend the event than the applicant estimates.
- (3) All lights, wires, poles, fences, stands, machinery or other items incidental to the event shall be removed from the premises no later than one week after the closure of the event.
- (4) No lot may hold a temporary outdoor event or sale more than twice in the same calendar year.
- (5) Temporary outdoor events or sales may not last more than two consecutive weeks. Once an event or sale has concluded, no temporary outdoor event or sale shall be held on that lot for at least 30 days.

Section 3.31 Outdoor Recreation (Private Intensive)

(A) Definition: An outdoor facility for the leisure, exercise, and/or entertainment of the property owner and invited guests, where the general public is not permitted, and no entry fee is charged, but that has the potential to be disturbing to neighboring uses by way of noise, dust, odor, traffic, or other factors. Examples include, but are not limited to:

- Private Off-Road Vehicle Facilities
- Private Sports Fields/Courts with Overhead Lighting

(B) Standards:

- (1) All recreational amenities must be set back at least 100 feet from all property lines.
- (2) For any use or site design that involves motor vehicles traveling over unpaved surfaces (including, but not limited to, unpaved parking lots), the applicant shall submit a dust mitigation plan to the Planning Commission for approval.
- (3) Along the side and rear lot lines, within the 100 foot setback requirement, trees and shrubs must be planted (or existing trees and shrubs must be maintained) to form a landscape barrier to buffer noise and dust from the use.
- (4) The Planning Commission may restrict the volume of music or video screens at the site.
- (5) The Planning Commission may require flood lights to be turned off at a specific time of night.

Section 3.32 Outdoor Recreation (Private Non-Intensive)

(A) Definition: A privately owned outdoor facility for leisure, exercise, and/or entertainment that does not have the potential to be disturbing to neighboring uses by way of noise, dust, odor, traffic, or other factors. Examples include, but are not limited to:

- Golf Courses
- Nature Preserves
- Mini-Golf
- Batting Cages
- Sports Facilities without Flood Lighting and/or Sound Systems
- Ice Rink

(B) Standards:

- (1) Parking must be provided on the site, with spaces meeting the dimensional and construction standards of the Township. The number of parking spaces shall be determined by the Planning Commission during the approval process.
- (2) The applicant shall estimate the maximum capacity of the Intensive Outdoor Recreation Use, and then shall provide 1 toilet per 50 people in the maximum capacity. Portable toilets are acceptable. The Planning Commission may enforce a greater number of toilets than estimated by the applicant, upon a determination that more people may attend the event than the applicant estimates.
- (3) All parking lots, structures, and recreational amenities must be set back at least 50 feet from all property lines.

Section 3.33 Outdoor Recreation (Public Intensive)

(A) Definition: A commercial outdoor facility where the general public, for pay or donation, may participate, or where at any one time more than 25 persons are participating, in leisure, exercise, and/or entertainment that has the potential to be disturbing to neighboring uses by way of noise, dust, odor, traffic, or other factors. Examples include, but are not limited to:

- Outdoor Go-Kart or Motocross Tracks
- Amusement Parks
- Water Parks
- Drive-In Movie Theaters
- Outdoor Concert Venues
- Sports Facilities with Flood Lighting and/or Sound Systems

(B) Standards:

- (1) Parking must be provided on the site, with spaces meeting the dimensional and construction standards of the Township. The number of parking spaces shall be determined by the Planning Commission during the approval process.
- (2) The applicant shall estimate the maximum capacity of the Intensive Outdoor Recreation Use, and then shall provide 1 toilet per 50 people in the maximum capacity. Portable toilets are acceptable. The Planning Commission may enforce a greater number of toilets than estimated by the applicant, upon a determination that more people may attend the event than the applicant estimates.

- (3) All parking lots, structures, and recreational amenities must be set back at least 100 feet from all property lines.
- (4) For any use or site design that involves motor vehicles traveling over unpaved surfaces (including, but not limited to, unpaved parking lots), the applicant shall submit a dust mitigation plan to the Planning Commission for approval.
- (5) Along the side and rear lot lines, within the 100 foot setback requirement, trees and shrubs must be planted (or existing trees and shrubs must be maintained) to form a landscape barrier to buffer noise and dust from the use.
- (6) The Planning Commission may set the hours of operation for the proposed intensive outdoor recreation facility. The Planning Commission may also set different hours of operation for specific elements of the intensive outdoor recreation facility, such as limiting the start and end times of sporting events, concerts, or movies.
- (7) The Planning Commission may restrict the volume of music or video screens at the site.
- (8) The Planning Commission may require flood lights to be turned off at a specific time of night.

Section 3.34 Outdoor Recreation (Public Non-Intensive)

- (A) Definition:** A publicly owned outdoor facility for leisure, exercise, and/or entertainment that does not have the potential to be disturbing to neighboring uses by way of noise, dust, odor, traffic, or other factors. Examples include public parks.
- (B) Standards:** None

Section 3.35 Outdoor Storage

- (A) Definition:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty four (24) hours. "Junk Yards" as defined in this Ordinance shall be considered outdoor storage, and shall be subject to all requirements of this section.
- (B) Standards:**
- (1) Minimum lot size shall be five (5) acres.
 - (2) The setback from the front property line to the area upon which materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than six (6) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
 - (3) The area upon which materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
 - (4) All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

Section 3.36 Parking Lot with No Other Principal Use

(A) Definition: An area on private property that provides vehicular [parking spaces](#) along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three [vehicles](#).

(B) Standards: No additional standards.

Section 3.37 Personal Services

(A) Definition: Non-residential space that is designed to be used for the provision of services directly to customers who are on the premises. Examples include, but are not limited to barber shops, beauty salons, nail salons, pet grooming, appliance repair, and electronics repair.

(B) Standards: No additional standards.

Section 3.38 Public Uses

(A) Definition: Land used by public entities. Examples include, but are not limited to:

- Schools
- Government Administration Buildings (City Hall, etc)
- Libraries
- Museums
- Public Safety Facilities (Police, Fire, etc)
- County, State, or Federal Office Buildings
- School Administration Buildings
- Public Works Yards
- Post Offices

(B) Standards:

- (1) Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
- (2) The minimum setbacks for main and accessory school structures shall be fifty (50) feet.
- (3) The minimum distance between main and accessory school structures and residential property or residential districts shall be three hundred (300) feet.
- (4) Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
- (5) Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.
- (6) The proposed use shall harmonize, blend with, and enhance adjoining properties and surrounding neighborhood.
- (7) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress and egress to the lot shall be through said thoroughfare.

Section 3.39 Private Swimming Pools

(A) Definition: Any structure or container, on private property, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

(B) Standards:

- (1) No swimming pool (referred to as "pool" in this section, including an above-ground pool designed to contain 8,000 or more gallons) shall be constructed, erected or installed on any lands in the Township unless a zoning permit has first been obtained.
- (2) The outside edge of the pool wall shall not be located nearer than four (4) feet to any lot line; provided, however, that if any part of the pool walls are more than two (2) feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.
- (3) Any pool constructed of poured concrete shall have a bottom not less than six (6) inches thick and walls not less than eight (8) inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Liner-type pools may be constructed or installed if: 1) the liner used is made and furnished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic rubber, fiberglass, steel or any other type produce; and 2) the bottom and walls of such liner-type pool are constructed in accordance with the specifications of the manufacturer of the liner.
- (4) Each pool shall be enclosed by a fence or wall of a height of not less than four (4) feet which is constructed in such manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence may be erected closer to a street than a building may be erected in the Zoning District in which the pool is located.
- (5) All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times, and all ladders should be raised or removed, when no person is present on the lot on which the pool is located.

Section 3.40 Religious Institutions

(A) Definition: Any structure where people regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility. Accessory uses such as schools, event spaces, or offices, may be approved as part of the Religious Institution.

(B) Standards:

- (1) Minimum lot width shall be one hundred and fifty (150) feet.
- (2) Minimum lot area shall be two (2) acres.
- (3) For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.
- (4) The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare.

Section 3.41 Research and Development

- (A) Definition:** Engineering and testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.

- (B) Standards:** None

Section 3.42 Restaurant

(A) Definition: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume State. Examples include, but are not limited to:

- Full-Service Restaurants
- Fast Food Restaurants
- Cafes
- Bars
- Microbreweries/Distilleries/Wineries, although the Township may determine that the manufacturing portion of the use is sufficiently large to be considered a separate use.

(B) Standards: None

Section 3.43 Retail

(A) Definition: A business that sells products or provides services on the premises directly to consumers. Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.

(B) Standards. There shall be no special standards for retail uses where all merchandise is kept indoors at all times. For retail uses involving outdoor sales space, the following shall apply:

- (1) Minimum lot area shall be ten thousand (10,000) square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) A building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open-air business.
- (4) Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- (5) In the case of a plant materials nursery:
 - (a) The storage or materials display areas shall meet all yard setback requirements applicable to any building in the district.
 - (b) All loading activities and parking areas shall be provided on the same premises (off- street).
 - (c) The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 3.44 Roadside Stand (Temporary)

(A) Definition: A building operated on an agricultural lot for the purpose of retail sales, accessory to the principal agricultural use.

(B) Standards:

- (1) The gross floor area of the temporary building shall be not less than one hundred fifty (150) square feet but not more than eight hundred (800) square feet.
- (2) Suitable containers for rubbish shall be placed on the premises for public use.
- (3) Any stand located within two hundred (200) feet of any adjacent dwelling shall close at 10:00 p.m.
- (4) The temporary building shall be located not less than fifty (50) feet from the nearest public road pavement. Its height shall be no more than one (1) story.

Section 3.45 Self-Storage

- (A) **Definition:** Enclosed space for rent to the general public to store non-perishable goods.
- (B) **Standards:** All storage units with exterior doorways must be accessed by a drive aisle that is at least **50 feet** wide. The drive aisle need not be paved, but if it is not paved, it must be made of gravel or crushed stone.

Section 3.46 Senior Housing

- (A) **Definition:** Multi-Family Dwelling Units designed specifically for the housing of persons over 55 years of age.
- (B) **Standards:**
- (1) Minimum lot size shall be five (5) acres.
 - (2) Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
 - (3) Each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.

Section 3.47 Slaughter Houses

- (A) **Definition:** An industrial facility for the butchering and processing of animals.
- (B) **Standards:**
- (1) All slaughtering and butchering activities must occur within an enclosed building.
 - (2) The facility and all operations must be approved by the appropriate State of Michigan and/or U.S. Government approved agency.
 - (3) The minimum allowable land area for all buildings and accessory activities shall be five (5) acres.
 - (4) Holding pens shall cover no more than fifty (50) percent of the entire parcel, up to a maximum area of five (5) acres.

- (5) All holding pens and main and accessory buildings shall be set back a minimum of three hundred (300) feet from the nearest residentially zoned parcel.
- (6) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.
- (7) On-premises landscaping shall be provided.

Section 3.48 Solar Energy

(A) General Requirements. All Solar Energy Systems are subject to the following general requirements:

- (1) All Solar Energy Systems must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
- (2) Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby residences or roadways at any time of the day.

(3) Definitions of Participating” and “Non-Participating” Parcels

- (a) **Participating Parcel:** A landowner who has leased land to the solar energy applicant, received financial remuneration from the solar energy applicant, recorded with the Branch County Register of Deeds said agreement, and has a contract with the solar energy applicant. A participating parcel may or may not have turbines or infrastructure located on their property.
- (b) **Non-Participating Parcel:** A landowner who has not signed a contract or any legal document with the solar energy applicant and has not given up rights to their owned land to the solar energy Applicant.

(B) Small Solar Energy Systems.

- (1) **Definition:** A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- (2) **Standards.**
 - (a) **Roof or Building Mounted Small Solar Energy System.** Roof or building mounted Small Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - (i) No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - (ii) In the event that a roof or building mounted Small Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
 - (iii) A building permit shall be required for installation of roof or building mounted Small Solar Energy System. A permit to operate such system shall be issued, and that permit shall be renewed every five years.

- (b) **Ground Mounted Small Solar Energy Systems.** Ground mounted Small Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
- (i) Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setback, panel size, and the location of property lines, building, fences, greenbelt, and road right of ways.
 - (ii) A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory building, but in no case shall the maximum height of any ground mounted Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - (iii) A ground mounted Small Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
 - (iv) All power transmission or other lines, wires or conduits from a ground mounted Small Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy System, they must be placed in a secured container or enclosure.
 - (v) A ground mounted Small Solar Energy System shall be considered a structure, and shall be included in lot coverage calculations.
 - (vi) In the event that a ground mounted Small Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner shall notify the Township and shall remove the system within six (6) months from the date of abandonment.
 - (vii) A building permit shall be required for installation of a ground mounted Small Solar Energy System. A permit to operate such system shall be issued, and that permit shall be renewed every five years.

(C) Large Solar Energy Systems.

- (1) **Definition:** A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- (2) **Standards.** In addition to any other requirements for special use approval, Large Solar Energy Systems shall be ground mounted and are subject to the following requirements:
 - (a) The property owner or applicant for a Large Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a Large Solar Energy System, together with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.

(b) An escrow account shall be set up when the applicant applies for special use approval for the Large Solar Energy System. The amount of the required escrow shall be a good faith estimate by the Township Board to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs and expenses may include, but are not limited to, fees of the Township Attorney or other consultant as the Township deems necessary, including, but not limited to, any reports or studies which the Township anticipates are reasonably necessary for reviewing the application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

(c) **Noise Regulations**

(i) **Definitions of Noise Terms.** For definitions of terms in this Section, see Section 3.53.B.

(ii) **Preconstruction Noise Background Survey.** The applicant shall provide a noise background study at the time of application which indicates Leq, L10, and L90 ten-minute sound levels using A-weighting. For applications submitted after the effective date of this ordinance, the applicant shall submit proposed measurement locations to the Planning Commission in advance of the survey for review and approval. Measurement procedures should generally follow the most recent versions of ANSI S12.18, and ANSI S12.9, Part 3 (with or without an observer present) guidelines. The selected test locations shall be described with GPS coordinates or some other level of detail such that the location can be used by others to repeat or verify sound measurements. Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four day (96-hour) testing period, including one Sunday. The noise background study shall report for the period of monitoring topography, temperature, weather patterns, and sources of ambient sound. The study shall include a map showing proposed solar panel locations, parcel lines, and all occupied buildings.

(iii) **Sound Modeling Study.**

- 1) A predictive sound study of solar panel noise shall accompany an application to verify that ordinance requirements can be met for dBA sound levels. Due to the statistical uncertainty of sound propagation models and environmental factors sound modeling shall demonstrate that the solar energy system will not exceed 35 dBA (10 min-LAeq) at the property line of any adjacent parcel. The modeling shall also demonstrate that the system will not exceed 45 dBA (LMax) at the property line of any adjacent parcel.

- a) The applicant shall present the maximum Sound Power Level of the proposed solar energy system on both the dBA and dBC scales, and will calculate the difference [dBC-dBA] in decibels and compare it to the 20 decibel threshold in IEC 61400-11:2002+A1:2006, as an indicator of whether the panels are likely to produce low-frequency noise that could create annoyance.
 - b) For assessing potential low frequency or vibration problems, refer to Section C.2.(g).
 - c) The sound modeling must follow the most recent version of International Standard, ISO 9613-2 "Acoustics-Attenuation of sound during propagation outdoors – Part 2: General method of calculation.
 - d) The sound study shall include a map with sound contour lines for dBA sound emitted from the proposed solar energy system. The study shall include a map (at 1:200 or better) showing sound contours at 5 dBA intervals, proposed solar panel locations, parcel lines, and all occupied buildings. The predicted values must include cumulative sound levels created by all existing, approved, and proposed solar panels. The sound study and accompanying map shall extend out to the 30-dBA sound contour line or 1 mile from a solar energy system, whichever is closer to the nearest solar panel.
- 2) For each operational component that is identified, the applicant shall also provide:
- a) The maximum instantaneous volume of the noise, in dBA, that will be received at the property line of an adjacent parcel, along with the modeling results to support that projection.
 - b) The characteristics of the noise, in terms of frequency of occurrence, when it will occur, duration, tonal quality, and range of volume. In addition to a written description, the applicant shall provide a recording or video of the various operational sounds or some other form of demonstration.
 - c) The measures, if any, the applicant is proposing to implement in order to mitigate the sound.
- 3) The Planning Commission may require the applicant to implement measures to mitigate and/or eliminate an operational sound.

(iv) Post Construction Sound Survey

1) Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the solar energy system owner within 6 months of the commencement of the operation of the project. The post construction study shall be performed at the same locations as the pre-construction study unless additional or alternative locations are required by the Planning Commission. The study should generally follow the procedures in the most recent versions of ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels shall be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. In addition to measuring A-weighted sound levels, at least one monitoring location shall collect one-third octave band data down to 1 Hertz. As part of the study, octave band data must be measured as addressed in Section C.2.(g).

2) Testing Procedures

a) The post construction test shall verify that equivalent sound level limits in dBA are in compliance with the standards of this ordinance. The compliance test procedure will use a series of 10-minute LAeq measurements when sun levels are fairly constant. The testing shall result in a minimum of ten (10) ten-minute LAeq data points per testing location. The firm conducting the study shall collect LA90 and LA10 data.

3) Test Locations

a) The test locations shall take into consideration noise complaints on file with the Township and may require additional study locations as deemed necessary by the Planning Commission. The firm conducting the post-construction sound survey shall consult with the Planning Commission, or their representative, prior to conducting the study to agree on the compliance testing locations.

4) Non-Compliance

a) Should the sound study indicate a non-compliant measurement, the owner of the solar energy system will be required to obtain compliance through mitigation or other measures.

- 5) **Low Frequency Sound and/or Vibration.** Solar panels shall not create vibrations that are detectable by humans on adjacent lots. The applicant shall provide acoustic modeling at the time of application to assess potential low frequency or vibration problems on adjacent parcels. The modeling study of low frequency sound and vibration shall demonstrate meeting: (1) ANSI S12.9/Part 4 Annex D threshold for minimal annoyance and beginning of rattles from outdoor low frequency noise and (2) the ANSI S12.2 sound level limits for moderately perceptible vibration and rattles within homes as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al.. The ANSI S12.2 interior sound level limits for low frequency sound and perceptible vibration within homes, as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al. shall be utilized to determine if outdoor sound levels will create perceptible vibration or low frequency problems indoors. If the post-construction sound survey outdoor octave band sound level measurements reveal that low frequency sound from a solar panel at the exterior of an building on an adjacent lot may create a vibration or low frequency noise problem, then further studies should be conducted to assess the problem. The further studies shall use the above referenced standards (ANSI S12.2 and ANSI S12.9/Part 4 Annex D). If the further study indicates that the low frequency sound/vibration exceeds acceptable levels, mitigation may be required by the Planning Commission. Mitigation may include operational changes to the panels, modifications to the subject building or buildings, or other measures as determined by the Planning Commission.
- 6) **Tonality:** If a tone is observed from a solar panel during the post construction sound survey or at a later date, a defined assessment of the level of tonality shall be conducted utilizing an accepted international standard, such as ISO 1996-2, by an independent, third party sound consultant selected by the Planning Commission at the expense of the solar energy system owner. A tonal audibility value adjustment (from 0 to 6 dB) will be added to the measured 10-minute LAeq sound level at the testing location of an adjacent parcel in accordance with Section D.3.(h).1.d. For tonality arising from a mechanical failure or lack of maintenance, See Section D.8.f.
- 7) The Planning Commission retains the authority to require that all noise surveys and reports, both pre-construction and post-construction, be conducted by experts/consulting firm chosen at the Planning Commissions discretion and paid for by the solar energy developer.
- (d) **Size Limitation.** Large Solar Energy Systems shall not exceed 30 acres in area, or 25% of the lot they are located upon, whichever is smaller. Required setback areas and buffer zones shall not count as part of the Large Solar Energy System for the purpose of calculating the size of the installation.
- (e) **Setbacks.**
- (i) All structures associated with the Large Solar Energy System shall be set back at least 100 feet from all public roads, and all property lines.
- (ii) All structures associated with the Large Solar Energy System shall be located at least a minimum of a half mile from Matteson Lake, Swan Creek, Big Swan Creek, Little Swan Creek, and the St. Joseph River.
- (f) **Visibility**

- (i) Through the Special Use Permit process the Planning Commission may evaluate screening and buffering requirements on a site by site basis to assure the proposed solar energy facility is appropriately screened due to adjacent land uses and existing vegetation.
- (ii) When it is properly demonstrated there exists no need to buffer due to existing natural vegetation or lack of impact due to adjoining land uses, screening and buffering requirements may be waived.
- (iii) When adjacent to a non-participating parcel, and not adequately screened by existing vegetation, in the opinion of the Planning Commission, solar energy facilities shall have a landscape buffer, at 25 feet wide and extending along the lot line in all areas where existing vegetation is not adequate.
 - 1) The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4 feet tall at time of planting. The buffer shall obtain a height of 8 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 8 feet. or commercial use. The Planning Commission has the authority to alter the buffer requirements (to be more or less stringent) based on site conditions.
 - 2) Alternatively, the applicant may install an opaque fence in lieu of the buffer zone. However, the Planning Commission may reject the fence, and require a buffer zone, if it determines that there is sufficient space for a buffer zone, and that the buffer zone would be more effective at maintaining the character of the adjacent residential property than the fence.
- (iv) Any installation located within 1000 feet of a public or private road or non-participating parcel shall have a earthen berm equal to the height of the equipment at its highest operating point or equivalent as approved by the Planning Commission. Any berms required for solar installations shall be constructed with a slope not more than 30 degrees and shall be covered in mixed perennial vegetation.
- (g) **Pollinator Habitat.** Among the solar panels, the developer shall install and maintain pollinator habitat plantings. The Planning Commission shall determine whether the pollinator habitat is sufficient by reviewing the proposal against the most recent edition of the Michigan State University Pollinator Habitat Planning Scorecard for Solar sites.
- (h) **Height.** The height of the Large Solar Energy System and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- (i) Large Solar Energy Systems shall not consist of solar panels that could leach hazardous chemicals if damaged in an accident or during severe weather.
- (j) Prior to installation, the applicant shall submit a descriptive site plan to the Planning Commission which includes where and how the Large Solar Energy System will connect to the power grid.
- (k) No Large Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.

- (l) The applicant shall provide information to the applicable emergency services authorities regarding best practices in the event of fire or other disaster or accident on the site of the Large Solar Energy System. The cost of any recommended first responder training for any emergency department likely to encounter the installation shall be covered by the applicant. The emergency department in question shall determine whether training is necessary.
- (m) A condition of every approval of a Large Solar Energy System shall be adequate provision for the removal of the system whenever it ceases to be used for one (1) year or more. In the event that a system has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner and developer/applicant shall notify the Township and shall remove the system within six (6) months from the date of abandonment. Removal includes the proper receipt of a demolition permit from the Zoning Administrator and proper restoration of the site to the satisfaction of the Zoning Administrator. The site shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
- (n) To ensure proper removal of a Large Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- (o) If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Large Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover any and all costs, including attorney fees.
- (p) A building permit shall be required for installation of a Large Solar Energy System. If a permit to operate such system shall be issued, then that permit shall be renewed every five years.

Section 3.49 Stables (Riding)

(A) Definition: A building or structure used for housing horses.

(B) Standards:

- (1) For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be 5.1 acres, except that up to three saddle horses or ponies may be housed and reared on lots of two to five acres.
- (2) An accessory building used as a stable shall not be located nearer than fifty (50) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- (3) Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than thirty (30) feet to any dwelling on adjacent premises.
- (4) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- (5) Appropriate off-street parking, as identified in Article 7 shall be provided.

Section 3.50 State-Licensed Residential Facilities

- (A) **Definition:** Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.
- (1) **Adult foster care:** The provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- (a) *Adult foster care facility:* A residential structure that is licensed to provide adult foster care, but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, foster family home, or foster family group home; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a hotel or rooming house that does not provide or offer to provide foster care; or a veterans' facility.
 - (b) *Adult foster care family home:* A private home with the approved capacity to receive not more than six adults to be provided with adult foster care.
 - (c) *Adult foster care small group home:* An adult foster care facility with the approved capacity to receive not more than 12 adults.
 - (d) *Adult foster care large group home:* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults.
 - (e) *Adult foster care congregate facility:* An adult foster care facility with the approved capacity to receive more than 20 adults.
- (2) **Child foster care:** The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, and are unattended by a parent or legal guardian.
- (i) *Foster family home:* A private home in which one but not more than four children are provided with child foster care.
 - (ii) *Foster family group home:* A private home in which more than four but not more than six children are provided with child foster care.
- (3) **Private home:** For the limited purpose of defining a state-licensed residential facility, a 'private home' means a private residence in which the facility licensee or registrant permanently resides as a member of the household.
- (B) **Standards.** State Licensed Residential Facilities, except Child Day Care Homes or Group Day Care Homes, shall be subject to the following:

- (1) Facilities requiring special use approval shall not be located nearer than 1,500 feet to another State Licensed Residential Facility that required special use approval.
- (2) Off-street parking spaces shall be provided in a quantity sufficient to accommodate employees of the facility and visitors. However, the extent of pavement coverage of the front yard shall be limited to be visually compatible with the surrounding area.
- (3) The home and property shall be maintained in a manner consistent with the visible characteristics of the surrounding neighborhood.

Section 3.51 Vehicle Repair

(A) Definition: Repair of vehicles, including, but not limited to: Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing.

(B) Standards:

- (1) The surface of the lot on which the repair facility is located shall be paved in accordance with the requirements for automobile service stations in (d) above.
- (2) Underground storage tanks shall be in compliance with all applicable state laws, regulations and requirements.
- (3) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- (4) When adjoining residentially zoned property, a six (6) foot high masonry wall shall be erected and maintained along the connecting interior lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty (20) feet of any right-of-way line, subject to approval by the Zoning Administrator.
- (5) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight (8) foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding thirty (30) days.
- (6) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

- (7) Only one (1) free-standing sign per street frontage shall be permitted, not exceeding fifty (50) square feet in area, which shall display only the name of the user or occupant of the premises.
- (8) On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.
- (9) Quick oil change shops shall comply with the applicable Off-Street Waiting Area Requirements of Section 15.5.
- (10) Vehicle Body Repair /Paint Shops shall conduct all activity within a completely enclosed building equipped with appropriate and required ventilation systems.
- (11) **Service/Fabrication/Repair Business on a Residential Lot.**
 - (a) All activities shall occur within a completely enclosed accessory building.
 - (b) Space devoted to retail and service operations shall be limited to a maximum of six hundred (600) square feet.
 - (c) Fabrication/Repair operations shall be limited to a maximum of nine hundred (900) square feet, including retail/service space.
 - (d) Off-street parking shall be provided in accordance with the use most similar identified in Article 15. Off-street parking surfaces must be either improved with crushed gravel or paved with concrete or asphalt and designed to accommodate adequate drainage.

Section 3.52 Vehicle Sales

(A) **Definition:** A building or premises used primarily for the sale of new and used vehicles and other motor vehicles.

(B) **Standards.**

- (1) These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, boats, and other vehicles.
- (2) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.

Section 3.53 Vehicle Wash

(A) **Definition:** A commercial establishment contained within a building or premises or portion thereof where vehicles are washed.

(B) **Standards:**

- (1) Minimum lot area shall be fifteen thousand (15,000) square feet.
- (2) Minimum lot width shall be one hundred (100) feet.
- (3) The drive-through or self-serve washing structure shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residential property.
- (4) A wood fence or concrete block wall (minimum height of 6 feet) shall separate the vehicle wash establishment from adjacent residential property.
- (5) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- (6) Ingress and egress shall be located no closer than twenty-five (25) feet from any intersection or adjacent property line. Drives associated with the facility shall be separated along the front property line by a distance of at least twenty-five (25) feet.
- (7) Adequate lane maneuvering area shall be provided on the premises, with enough distance to allow for a minimum of four (4) vehicles waiting in line.
- (8) Adequate on-premises landscaping shall be provided.
- (9) On-site lighting shall be so located and designed as to have minimum impact upon surrounding properties.
- (10) All washing activities must be carried on within a building.
- (11) Vacuuming activities shall be at least twenty-five (25) feet distant from any adjoining residential use.

Section 3.54 Veterinary Hospitals

- (A) **Definition:** An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary hospital' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.
- (B) **Standards.** No additional standards.

Section 3.55 Warehousing

- (A) **Definition:** A building used primarily for storage of goods and materials.
- (B) **Standards:** No additional standards.

Section 3.56 Wholesale

- (A) **Definition:** On-premise sale of goods primarily to customers engaged in the business of reselling the goods.
- (B) **Standards:** No additional standards.

Section 3.57 Wind Energy

- (A) **Intent and Purpose.** This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the safe, effective, efficient and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial, industrial and other areas within the Township.
- (B) **Definitions.**
- (1) **Adverse Sound Character:** Sound that causes building rattle, is impulsive, tonal, includes amplitude modulation, or has a low-frequency bass rumble.
 - (2) **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.
 - (3) **ANSI:** the American National Standards Institute.
 - (4) **Audible:** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.
 - (5) **dBA:** The A-weighted sound level.
 - (6) **dBC:** The C-weighted sound level.

- (7) **Decibel (dB):** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."
- (8) **Emergency work:** Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.
- (9) **Equivalent Sound Level (or Leq):** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.
- (10) **Excessive noise:** Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.
- (11) **FAA:** The Federal Aviation Administration
- (12) **GIS:** Geographic Information System and is comparable to GPS (global positioning system) coordinates.
- (13) **IEC:** The International Electrotechnical Commission
- (14) **ISO:** The International Organization for Standardization
- (15) **LMax (LAMax or LCMaX):** The maximum db(A) or db(C) sound level measured using the "fast response" setting of the sound meter (equivalent to 0.125 second exponential averaging time)
- (16) **Lease Unit Boundary:** The boundary around a property or properties leased or purchased for purposes of operating a wind energy facility, including leased or purchased adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights of way.
- (17) **L10:** Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.
- (18) **L90:** Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.
- (19) **Noise:** A sound that causes disturbance that exceeds 45 db(A) (Lmax) or 55 db(C) (Lmax).
- (20) **On Site Wind Energy Conversion System** (also called Small Scale): A wind energy conversion system less than 80 feet in total height with the blade fully extended (tip height) intended to generate electric power from wind solely for the use of the site on which the system is located. Small-scale WECS that are primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered On-Site Small-Scale WECS. Small scale wind energy systems that consistently sell power back to the public grid will require a Special Use permit.
- (21) **Pasquill Stability Class:** Reference, wikipedia.org "Outline of air pollution dispersion."

- (22) **Pooled Parcel:** A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Branch County Register of Deeds said agreement, and has a contract with the WECS Applicant. A Pooled Parcel may also be called a WECS contract leaseholder. A Pooled Parcel may or may not have turbines or infrastructure located on their property.
- (23) **Quiet Rural or Residential property:** Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single family homes, and retirement homes.
- (24) **SCADA** (supervisory control and data acquisition): A computer system that Matteson Township uses to control WECS units.
- (25) **Sound level meter:** An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).
- (26) **Sound Pressure:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- (27) **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- (28) **Strobe Effect:** The effect resulting from the flashing of reflected light, which can be visible from some distance, from the surface finish of turbine blades.
- (29) **Survival Wind Speed:** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (30) **Tip Height:** The height of the turbine with a blade at the highest vertical point.
- (31) **Unpooled Parcel:** A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to their owned land to the WECS Applicant.
- (32) **Utility Scale** (also known as Commercial and/or Large-Scale) Wind Energy Conversion System: A wind energy conversion system greater than eighty (80) feet in total height (tip height) intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
- (33) **WECS Applicant:** The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Pooled Parcel, or lessee, who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the WECS or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing Facility if different than the WECS owner.

(34) Wind Energy Conversion System (WECS): Any combination of the following:

- (a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- (b) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- (c) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- (d) The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;
- (e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- (f) Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

(35) Wind Energy Conversion System (WECS) Testing Facility: A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

(36) Wind Energy Facility: Clusters of two or more Utility Grid Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(C) On-Site Wind Energy Conversion System Standards (Also Called Small Scale). The following standards shall apply to On-Site WECS, including Anemometer Towers, in addition to the general Special Approval/Special Land Use requirements of this Ordinance:

(1) Where Permitted. On Site WECS shall be permitted as special land uses in the General Agricultural District, Light Agricultural District, and Research Industrial District subject to the limitations provided in this subsection C. On Site WECS shall be prohibited in all other zoning districts.

(2) Required Information

- (a) Diagram of wind turbine showing blade length and ground clearance
- (b) Determination of No-Hazard to Air and Navigation from Branch County Airport
- (c) Engineering Data concerning construction of the tower base

- (d) Site Plan.** The Applicant shall submit a site plan in full compliance with this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. The application for a WECS shall be reviewed in accordance with all applicable requirements in site plan review and special use requirements of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:
- (i)** Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professional and the submitted site plan is prepared to show compliance with these issues.
 - (ii)** Proof of the applicant's public liability insurance.
 - (iii)** A copy of that portion of all the applicant's Pooled Parcel lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
 - (iv)** An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
 - (v)** The phases, or parts of construction, with a construction schedule.
 - (vi)** Engineering data concerning construction of the tower base.
 - (vii)** The project area boundaries, including all boundaries within pooled parcels.
 - (viii)** The location, height, and dimensions of all existing and proposed structures and fencing.
 - (ix)** The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest private road, Township road, or State maintained road.
 - (x)** A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
 - (xi)** All new infrastructure above and below ground related to the project, including transmission line locations.
 - (xii)** A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - (xiii)** Description of operations, including anticipated regular and unscheduled maintenance.

(e) Required Studies

(i) Flicker Study. A shadow flicker study shall be required, and shall be submitted by the applicant with the application. The purpose of the shadow flicker study is to examine the duration and location of shadow flicker on unpooled parcels. The model study area shall include all land extending a minimum of 20 rotor diameters in all directions from a wind turbine generator. The model shall be calculated using the following minimum inputs: turbine locations, shadow flicker receptor locations, existing topography, rotor diameter and hub height, joint wind speed and direction distribution (wind rose table, and hours of sunshine (long term monthly references)). The model shall calculate the locations and durations of shadow flicker caused by the proposed wind energy conversion system within the study area, and the total number of hours anticipated per year of shadow flicker. The application shall include estimates for shadow flicker to the nearest tenth of an hour, on a daily basis for each receptor. Assumptions regarding the percentage of time that shadow flicker is likely to occur shall be clearly explained and subject to approval of the Planning Commission. The shadow flicker study shall include a map that indicates the extent of shadow flicker, pooled and unpooled parcels, public roads and all potential shadow flicker receptors.

1) **Post-Construction Flicker Mitigation.** Should an unpooled parcel receive shadow flicker that was not indicated in the shadow flicker study, the owner of the wind energy conversion system may be required to cease operations of WECS and perform an additional flicker study and mitigation plan for the affected property and submit it to the Zoning Administrator for review prior to implementing mitigation measures.

(ii) Preconstruction Noise Background Survey. The applicant shall provide a noise background study at the time of application which indicates Leq, L10, and L90 ten-minute sound levels using A-weighting. For applications submitted after the effective date of this ordinance, the applicant shall submit proposed measurement locations to the Planning Commission in advance of the survey for review and approval. Measurement procedures should generally follow the most recent versions of ANSI S12.18, and ANSI S12.9, Part 3 (with or without an observer present) guidelines. The selected test locations shall be described with GPS coordinates or some other level of detail such that the location can be used by others to repeat or verify sound measurements. Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four day (96-hour) testing period, including one Sunday, and produce data that includes a variety of ground and hub height wind speeds, at low (between 4 and 7 m/s) medium (7-10 m/s) and high (10m/s or more and/or capable of producing maximum power). The noise background study shall report for the period of monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction. The study shall include a map showing proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings.

(iii) Sound Modeling Study.

1) A predictive sound study of turbine noise shall accompany an application to verify that ordinance requirements can be met for dBA sound levels. Due to the statistical uncertainty of sound propagation models, environmental factors, and variable wind shear, sound modeling shall demonstrate that the wind energy conversion system will not exceed 35 dBA (10 min- LAeq) at the property line of any adjacent parcel. The modeling shall also demonstrate that the system will not exceed 45 dBA (LMax) at the property line of any adjacent parcel.

- a) The applicant shall present the maximum Sound Power Level of the proposed turbine on both the dBA and dBC scales, and will calculate the difference [dBC-dBA] in decibels and compare it to the 20 decibel threshold in IEC 61400-11:2002+A1:2006, as an indicator of whether the turbine is likely to produce low-frequency noise that could create annoyance.
 - b) For assessing potential low frequency or vibration problems, refer to Section C.2.(g).
 - c) The sound modeling must follow the most recent version of International Standard, ISO 9613-2 "Acoustics-Attenuation of sound during propagation outdoors – Part 2: General method of calculation.
 - d) The sound modeling study shall use wind turbine sound power levels determined according to the most recent version of IEC 61400 – Part 11. The model of wind turbine generator proposed for the development shall not be tonal as determined by the most recent version of IEC 61400- Part 11.
 - e) The sound study shall include a map with sound contour lines for dBA sound emitted from the proposed wind energy conversion system. The study shall include a map (at 1:200 or better) showing sound contours at 5 dBA intervals, proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings. The predicted values must include cumulative sound levels created by all existing, approved, and proposed turbines. The sound study and accompanying map shall extend out to the 30-dBA sound contour line or 1 mile from a wind turbine generator, whichever is closer to the nearest wind turbine.
- 2) The applicant shall identify each operational component of a wind turbine (other than the spinning blades) that will produce a sound that will be audible at the property line of an unpooled parcel.
 - 3) For each operational component that is identified, the applicant shall also provide:
 - a) The maximum instantaneous volume of the noise, in dBA, that will be received at the property line of an unpooled parcel, along with the modeling results to support that projection.
 - b) The characteristics of the noise, in terms of frequency of occurrence, when it will occur, duration, tonal quality, and range of volume. In addition to a written description, the applicant shall provide a recording or video of the various operational sounds or some other form of demonstration.
 - c) The measures, if any, the applicant is proposing to implement in order to mitigate the sound.
 - 4) The Planning Commission may require the applicant to implement measures to mitigate and/or eliminate an operational sound (other than the spinning blades).
 - 5) Failure to submit information on all predictable, audible operational sounds of the wind turbines (such as yawing, cooling fans, hydraulics or cooling systems, etc.) may result in a violation of the special land use.

(iv) Post Construction Sound Survey

1) Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the wind energy conversion system owner within 6 months of the commencement of the operation of the project. The post construction study shall be performed at the same locations as the pre-construction study unless additional or alternative locations are required by the Planning Commission. The study should generally follow the procedures in the most recent versions of ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels shall be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. In addition to measuring A-weighted sound levels, at least one monitoring location shall collect one-third octave band data down to 1 Hertz. As part of the study, octave band data must be measured as addressed in Section C.2.(g).

2) Testing Procedures

a) The post construction test shall verify that equivalent sound level limits in dBA are in compliance with the standards of this ordinance. The compliance test procedure will use an alternating series of turbine-on and turbine-off 10-minute LAeq measurements when wind speeds are fairly constant. The testing shall result in a minimum of ten (10) ten-minute LAeq data points per testing location obtained when the wind energy conversion system is operating at maximum sound power. Measured levels (turbine-on and turbine-off) for similar hub height wind speeds (within 1.5 m/s) will be compared to determine the sound level from only the wind turbines. The firm conducting the study shall collect LA90 and LA10 data. The wind energy conversion system owner shall assist the Township and third-party qualified professional by turning off selected wind turbines and providing necessary logistical support for testing on-demand. During a testing period identified by the Township, the wind energy conversion system owner shall park or pause wind turbine operations for an "off" period within two hours of a request made by the third-party professional. During the on-off testing all wind turbine operations will be parked or paused within 8,000 feet of a test location to eliminate the background noise contribution from the wind energy conversion system.

3) Test Locations

a) The test locations shall take into consideration noise complaints on file with the Township and may require additional study locations as deemed necessary by the Planning Commission. The firm conducting the post-construction sound survey shall consult with the Planning Commission, or their representative, prior to conducting the study to agree on the compliance testing locations. The study shall delineate pooled and unpooled parcels as well as occupied buildings.

4) Non-Compliance

a) Should the sound study indicate a non-compliant measurement, the owner of the wind energy conversion system will be required to obtain compliance through mitigation or other measures.

- 5) **Wind Rose Chart.** The applicant shall submit a Wind Rose Chart at the time of the application. This is a chart or graph that describes 12 months (or more) of wind data collected from the proposed project area. This graph or chart will demonstrate direction, duration, and intensity of the wind. These data will be for each height of wind sensor mounted on the meteorological tower.

- 6) **Low Frequency Sound and/or Vibration.** WECS shall not create vibrations that are detectable by humans on unpooled parcels. The applicant shall provide acoustic modeling at the time of application to assess potential low frequency or vibration problems on both unpooled and pooled parcels. The modeling study of low frequency sound and vibration shall demonstrate meeting: (1) ANSI S12.9/Part 4 Annex D threshold for minimal annoyance and beginning of rattles from outdoor low frequency noise and (2) the ANSI S12.2 sound level limits for moderately perceptible vibration and rattles within homes as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al.. The ANSI S12.2 interior sound level limits for low frequency sound and perceptible vibration within homes, as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al. shall be utilized to determine if outdoor sound levels will create perceptible vibration or low frequency problems indoors. If the post-construction sound survey outdoor octave band sound level measurements reveal that low frequency sound from wind turbines at the exterior of an unpooled, occupied or non-occupied building may create a vibration or low frequency noise problem, then further studies should be conducted to assess the problem. The further studies shall use the above referenced standards (ANSI S12.2 and ANSI S12.9/Part 4 Annex D). If the further study indicates that the low frequency sound/vibration exceeds acceptable levels, mitigation may be required by the Planning Commission. Mitigation may include operational changes to the turbine, modifications to the subject building or buildings, or other measures as determined by the Planning Commission.

- 7) **Tonality:** If a tone is observed from a turbine during the post construction sound survey or at a later date (such as due to a malfunctioning gearbox), a defined assessment of the level of tonality shall be conducted utilizing an accepted international standard, such as ISO 1996-2, by an independent, third party sound consultant selected by the Planning Commission at the expense of the wind energy conversion system owner. A tonal audibility value adjustment (from 0 to 6 dB) will be added to the measured 10-minute LAeq sound level at the testing location of either a pooled or unpooled parcel in accordance with Section D.3.(h).1.d. For tonality arising from a mechanical failure or lack of maintenance, See Section D.8.f.

- 8) The Planning Commission retains the authority to require that all noise surveys and reports, both pre-construction and post-construction, be conducted by experts/consulting firm chosen at the Planning Commissions discretion and paid for by the wind developer.

(3) Regulations

- (a) **Height.** On-Site WECS shall have a maximum height of 80 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the Planning Commission requires a lesser height. Height is measured from the average grade at the base of the tower to the highest point of WECS when a blade is in its vertical orientation.

- (b) **Setbacks.** The distance between an On-Site WECS and the property lines shall be equal to 150% of the height of the tower including the top of the blade in its vertical position. The distance between an accessory structure associated with the WECS and all property lines shall be at least the minimum setback for all accessory structures in the zoning district the WECS is located within. On-site WECS and associated accessory structures shall not count towards the maximum number of accessory structures on a given lot. All on-site WECS and associated accessory structures shall be located at least a minimum of a half mile from Matteson Lake, Swan Creek, Big Swan Creek, Little Swan Creek, and the St. Joseph River.
- (c) **Minimum Lot Area Size.** The minimum lot size for a parcel to be eligible to have an On-Site WECS shall be one (1) acre
- (d) **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
- (e) **Branch County Airport.** The Branch County Airport shall first issue a Determination of No-Hazard
- (f) **Noise Emission.** Noise emitting from an on-site WECS shall not exceed 35 dB(A) (Lmax) or 45 dB(C) (Lmax) at the property line closest to the WECS.
- (g) **Construction Codes, Towers, & Interconnection Standards.** On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and other applicable local and state regulations. An interconnected On-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
- (h) **Safety.** The On-Site WECS shall meet the following safety requirements:
 - (i) The On-Site WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - (ii) All energy collection system wiring shall comply with all applicable safety and stray voltage standards.
 - (iii) Each On-Site WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
 - (iv) A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
 - (v) All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
 - 1) Fences with locking portals at least six (6) feet high
 - 2) Anti-climbing devices twelve (12) feet from base of pole

- (i) Shadow Flicker. On-site WECS shall produce no shadow flicker on any unpooled parcel. Measures to eliminate all effects of shadow flicker on unpooled parcels, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.
 - (j) Fluid Containment. Each On-Site WECS shall include both an internal and external fluid containment barrier located either within the nacelle, or at the base of the nacelle in the event of a spill or leak.
- (4) Liability Insurance. The Applicant shall provide proof of insurance for each WECS at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Pooled Parcels, and Unpooled Parcels. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site where Applicant's equipment is located. In the event a public service such as police, fire, or rescue is required due to the operation, maintenance, or failure of a wind turbine, any cost incurred as a result of said event shall be the sole responsibility of the applicant and/or owner of the On-Site WECS.

(D) Utility Scale Energy Conversion System Standards (Also Called Large Scale)

- (1) Where Permitted. Utility Scale WECS shall be considered special uses in the General Agricultural District, Light Agricultural District, and Research Industrial District subject to the limitations provided in this subsection D. They shall be prohibited in all other zoning districts.
- (a) If applicable, WECS shall adhere to setback requirements established by adjacent municipalities in addition to the setback requirements established in Section D.3.(b).
- (2) Required Information
- (a) Diagram of wind turbine showing blade length and ground clearance
 - (b) Determination of No-Hazard from Branch County Airport
 - (c) Engineering data concerning construction of the tower base;
 - (i) Construction materials
 - (ii) Depth of the base
 - (iii) Analysis of impact on water table, nearby wells, and ground water
 - (iv) The Applicant shall provide certification with documentation (structural analysis) including calculations that the WECS and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.
 - (v) A copy of a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the proposed WECS site.

(d) Site Plan. The Applicant shall submit a site plan in full compliance with this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. The application for a WECS shall be reviewed in accordance with all applicable requirements in site plan review and special use requirements of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:

- (i)** Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professional and the submitted site plan is prepared to show compliance with these issues.
- (ii)** Proof of the applicant's public liability insurance.
- (iii)** A copy of that portion of all the applicant's Pooled Parcel lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
- (iv)** An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
- (v)** The phases, or parts of construction, with a construction schedule.
- (vi)** The project area boundaries, including all boundaries within pooled parcels.
- (vii)** The location, height, and dimensions of all existing and proposed structures and fencing.
- (viii)** Engineering data concerning construction of the tower base
- (ix)** The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest Township or State maintained road.
- (x)** A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
- (xi)** All new infrastructure above and below ground related to the project, including transmission line locations.
- (xii)** A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (xiii)** Description of operations, including anticipated regular and unscheduled maintenance.

(e) Required Studies

(i) **Economic Impact Study Required.** The Applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average set-backs distances. Business and residential growth potential shall be considered.

(ii) **Flicker Study.** A shadow flicker study shall be required, and shall be submitted by the applicant with the application. The purpose of the shadow flicker study is to examine the duration and location of shadow flicker on unpooled parcels. The model study area shall include all land extending a minimum of 20 rotor diameters in all directions from a wind turbine generator. The model shall be calculated using the following minimum inputs: turbine locations, shadow flicker receptor locations, existing topography, rotor diameter and hub height, joint wind speed and direction distribution (wind rose table, and hours of sunshine (long term monthly references)). The model shall calculate the locations and durations of shadow flicker caused by the proposed wind energy conversion system within the study area, and the total number of hours anticipated per year of shadow flicker. The application shall include estimates for shadow flicker to the nearest tenth of an hour, on a daily basis for each receptor. Assumptions regarding the percentage of time that shadow flicker is likely to occur shall be clearly explained and subject to approval of the Planning Commission. The shadow flicker study shall include a map that indicates the extent of shadow flicker, pooled and unpooled parcels, public roads and all potential shadow flicker receptors.

- 1) Post-Construction Flicker Mitigation. Should an unpooled parcel receive shadow flicker that was not indicated in the shadow flicker study, the owner of the wind energy conversion system may be required to cease operations of WECS and perform an additional flicker study and mitigation plan for the affected property and submit it to the Zoning Administrator for review prior to implementing mitigation measures.

(iii) **Avian Study Required.**

- 1) At the time of application, the Applicant shall submit a wildlife study, completed by a qualified professional, to assess the potential impacts of the proposed wind energy conversion system upon bird and bat species. The wildlife study shall include the results of an environmental review request from the Michigan Department of Natural Resources, a literature review for threatened and endangered species and for birds and bats, the results of supplemental environmental surveys conducted by the applicant to provide information related to critical flyways, migratory routes, feeding areas, and/or nesting sites for protected species. It is the intent of this ordinance to reasonably consider and protect avian and bat species, not just those that are endangered or threatened. The applicant must identify any plans for post-construction monitoring and studies. The analysis shall also include an explanation of potential impacts and proposed mitigation plans, if necessary.
- 2) A qualified, third party chosen at the discretion of the Planning Commission may be required to review the applicant's wildlife studies and/or environmental surveys may be required by the Planning Commission.

- 3) The Planning Commission may require a post-construction bird and bat mortality study completed by a third-party professional selected by the Planning Commission. The timing of such a study shall be specified as a condition of the special land use.
 - 4) A wind development application shall adhere to and comply with all guidelines and best practice recommendations made by the United States Fish and Wildlife Service (USFWS) regarding the siting, design, and operation of a wind energy conversion system to protect the natural resources of watersheds, wetlands and wildlife. The application shall include documentation of all studies, consultations, and recommendations made by or with the USFWS regarding the placement of wind turbine generators and operation of the wind energy conversion system.
 - 5) The compatibility of the tower structure with the rotors and other components of the conversion systems shall be certified by a certified, registered engineer and by the authorized factory representative. In addition, the lowest point of the blade shall be a minimum of one hundred (100) feet above the ground.
- (iv) Preconstruction Noise Background Survey.** The applicant shall provide a noise background study at the time of application which indicates Leq, L10, and L90 ten-minute sound levels using A-weighting. For applications submitted after the effective date of this ordinance, the applicant shall submit proposed measurement locations to the Planning Commission in advance of the survey for review and approval. Measurement procedures should generally follow the most recent versions of ANSI S12.18, and ANSI S12.9, Part 3 (with or without an observer present) guidelines. The selected test locations shall be described with GPS coordinates or some other level of detail such that the location can be used by others to repeat or verify sound measurements. Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four day (96-hour) testing period, including one Sunday, and produce data that includes a variety of ground and hub height wind speeds, at low (between 4 and 7 m/s) medium (7-10 m/s) and high (10m/s or more and/or capable of producing maximum power). The noise background study shall report for the period of monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction. The study shall include a map showing proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings.
- (v) Sound Modeling Study.** A predictive sound study of turbine noise shall accompany an application to verify that ordinance requirements can be met for dBA sound levels. Due to the statistical uncertainty of sound propagation models, environmental factors, and variable wind shear, sound modeling shall demonstrate that the wind energy conversion system will not exceed 35 dBA (10 min- LAeq) at the property line of any unpooled parcel and 45 dBA (10 min- LAeq) at the dwelling of a pooled parcel. The modeling shall also demonstrate that the system will not exceed 45 dBA (LMax) at the property line of any unpooled parcel and 55 dBA (LMax) at the dwelling of a pooled parcel.
- 1) The applicant shall present the maximum Sound Power Level of the proposed turbine on both the dBA and dBC scales, and will calculate the difference [dBC-dBA] in decibels and compare it to the 20 decibel threshold in IEC 61400-11:2002+A1:2006, as an indicator of whether the turbine is likely to produce low-frequency noise that could create annoyance.
 - 2) For assessing potential low frequency or vibration problems, refer to Section D.3.(h).1.d.

- 3) The sound modeling must follow the most recent version of International Standard, ISO 9613-2 "Acoustics-Attenuation of sound during propagation outdoors – Part 2: General method of calculation.
- 4) The sound modeling study shall use wind turbine sound power levels determined according to the most recent version of IEC 61400 – Part 11. The model of wind turbine generator proposed for the development shall not be tonal as determined by the most recent version of IEC 61400- Part 11.
- 5) The sound study shall include a map with sound contour lines for dBA sound emitted from the proposed wind energy conversion system. The study shall include a map (at 1:200 or better) showing sound contours at 5 dBA intervals, proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings. The predicted values must include cumulative sound levels created by all existing, approved, and proposed turbines. The sound study and accompanying map shall extend out to the 30-dBA sound contour line or 1 mile from a wind turbine generator, whichever is closer to the nearest wind turbine.
- 6) The applicant shall identify each operational component of a wind turbine (other than the spinning blades) that will produce a sound that will be audible at the property line of an unpooled parcel.
 - a) For each operational component that is identified, the applicant shall also provide:
 - i) The maximum instantaneous volume of the noise, in dBA, that will be received at the property line of an unpooled parcel, along with the modeling results to support that projection.
 - ii) The characteristics of the noise, in terms of frequency of occurrence, when it will occur, duration, tonal quality, and range of volume. In addition to a written description, the applicant shall provide a recording or video of the various operational sounds or some other form of demonstration.
 - iii) The measures, if any, the applicant is proposing to implement in order to mitigate the sound.
 - b) The Planning Commission may require the applicant to implement measures to mitigate and/or eliminate an operational sound (other than the spinning blades).
 - c) Failure to submit information on all predictable, audible operational sounds of the wind turbines (such as yawing, cooling fans, hydraulics or cooling systems, etc.) may result in a violation of the special land use.

(vi) Post Construction Sound Survey. Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the wind energy conversion system owner within 6 months of the commencement of the operation of the project. The post construction study shall be performed at the same locations as the pre-construction study unless additional or alternative locations are required by the Planning Commission. The study should generally follow the procedures in the most recent versions of ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels shall be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. In addition to measuring A-weighted sound levels, at least one monitoring location shall collect one-third octave band data down to 1 Hertz. As part of the study, octave band data must be measured as addressed in Section D.3.(h).1.d.

- 1) **Testing Procedures.** The post construction test shall verify that equivalent sound level limits in dBA are in compliance with the standards of this ordinance. The compliance test procedure will use an alternating series of turbine-on and turbine-off 10-minute LAeq measurements when wind speeds are fairly constant. The testing shall result in a minimum of ten (10) ten-minute LAeq data points per testing location obtained when the wind energy conversion system is operating at maximum sound power. Measured levels (turbine-on and turbine-off) for similar hub height wind speeds (within 1.5 m/s) will be compared to determine the sound level from only the wind turbines. The firm conducting the study shall collect LA90 and LA10 data. The wind energy conversion system owner shall assist the Township and third-party qualified professional by turning off selected wind turbines and providing necessary logistical support for testing on-demand. During a testing period identified by the Township, the wind energy conversion system owner shall park or pause wind turbine operations for an "off" period within two hours of a request made by the third-party professional. During the on-off testing all wind turbine operations will be parked or paused within 8,000 feet of a test location to eliminate the background noise contribution from the wind energy conversion system.
- 2) **Test Locations.** The test locations shall take into consideration noise complaints on file with the Township and may require additional study locations as deemed necessary by the Planning Commission. The firm conducting the post-construction sound survey shall consult with the Planning Commission, or their representative, prior to conducting the study to agree on the compliance testing locations. The study shall delineate pooled and unpooled parcels as well as occupied buildings.
- 3) **Non-Compliance.** Should the sound study indicate a non-compliant measurement, the owner of the wind energy conversion system will be required to obtain compliance through mitigation or other measures.

- (f) **Wind Rose Chart.** The applicant shall submit a Wind Rose Chart at the time of the application. This is a chart or graph that describes 12 months (or more) of wind data collected from the proposed project area. This graph or chart will demonstrate direction, duration, and intensity of the wind. These data will be for each height of wind sensor mounted on the meteorological tower.

- (g) **Low Frequency Sound and/or Vibration.** WECS shall not create vibrations that are detectable by humans on unpooled parcels. The applicant shall provide acoustic modeling at the time of application to assess potential low frequency or vibration problems on both unpooled and pooled parcels. The modeling study of low frequency sound and vibration shall demonstrate meeting: (1) ANSI S12.9/Part 4 Annex D threshold for minimal annoyance and beginning of rattles from outdoor low frequency noise and (2) the ANSI S12.2 sound level limits for moderately perceptible vibration and rattles within homes as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al.. The ANSI S12.2 interior sound level limits for low frequency sound and perceptible vibration within homes, as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al. shall be utilized to determine if outdoor sound levels will create perceptible vibration or low frequency problems indoors. If the post-construction sound survey outdoor octave band sound level measurements reveal that low frequency sound from wind turbines at the exterior of an unpooled, occupied or non-occupied building may create a vibration or low frequency noise problem, then further studies should be conducted to assess the problem. The further studies shall use the above referenced standards (ANSI S12.2 and ANSI S12.9/Part 4 Annex D). If the further study indicates that the low frequency sound/vibration exceeds acceptable levels, mitigation may be required by the Planning Commission. Mitigation may include operational changes to the turbine, modifications to the subject building or buildings, or other measures as determined by the Planning Commission.

- (h) **Tonality.** If a tone is observed from a turbine during the post construction sound survey or at a later date (such as due to a malfunctioning gearbox), a defined assessment of the level of tonality shall be conducted utilizing an accepted international standard, such as ISO 1996-2, by an independent, third party sound consultant selected by the Planning Commission at the expense of the wind energy conversion system owner. A tonal audibility value adjustment (from 0 to 6 dB) will be added to the measured 10-minute LAeq sound level at the testing location of either a pooled or unpooled parcel in accordance with Section D.3.(h).1.d. For tonality arising from a mechanical failure or lack of maintenance, see Section D.8.f.

- (i) The Planning Commission retains the authority to require that all noise surveys and reports, both pre-construction and post-construction, be conducted by experts/consulting firm chosen at the Planning Commissions discretion and paid for by the wind developer.

(3) Regulations

- (a) **Height.** Utility-scale WECS shall have a maximum height of 328 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the Planning Commission requires a lesser height. Height is measured from the average grade at the base of the tower to the highest point of WECS when a blade is in its vertical orientation.

- (b) **Setbacks:** The following setbacks, measured from the outside edge (the point furthest from the pylon as it rotates horizontally) of the blades, not from the tower itself, shall be observed.

(i) Pooled Parcels

- 1) In the case of a “pooling of parcels,” no wind turbine generator shall be located such that the distance between the outside edge of the blades and any outside boundary line of the area comprising the special land use in which the pooled parcels are located is less than four times the height of the wind turbine generator.
- 2) No wind turbine generator shall be located such that the distance between the nearest point of the blade (while in rotation) and the nearest boundary line of any individual land parcel comprising the pooled parcel is less than 150% of the height of the wind turbine generator, as measured from the ground at the center of the base of the tower to the highest reach of the blade; provided, however, that the Planning Commission may approve a lesser setback distance if written consents for such lesser distance are obtained from the owners of all lands located, in whole or in part, within one rotor-diameter of the wind turbine generator measured from the center of the base of the wind turbine generator. In determining whether such lesser setback may be approved, the Planning Commission shall consider the technical needs of the applicant, the feasibility of alternate locations, the nature and proximity of nearby buildings, structures, and public roads, for the potential for adverse impacts that noise, shadow flicker, and other features may have on adjacent land uses.

(ii) Unpooled Parcels

- 1) In the case of a single (unpooled) parcel, no wind turbine generator shall be located such that the distance between the center of the base of the tower and any property line is less than 1.25 miles as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- (iii)** No wind turbine generator shall be located such that the distance between the center of the base of the tower and the nearest point of any existing building designed or used for human occupancy or assembly (including but not limited to a dwelling, school, foster care facility, church and the like) is less than four times the height of the wind turbine as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- (iv)** No wind turbine generator shall be located such that the distance between the center of the base of the tower to the nearest point of any road is less than four times the height of the wind turbine generator, as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- (v)** No wind turbine generator shall be located such that the distance between the center of the base of the tower to the nearest point of any existing gas transmission, distribution, or gathering line is less than four times the height of the wind turbine generator, as measured from the ground at the center of the base of the tower to the highest reach of the blade.

- (vi) Between WECS: Separation between Utility Scale WECS shall not be less than 200% of the height of the taller of the two WECS to allow for proper safety setback. Measurement shall be from center of hub to center of hub.
- (vii) All Utility-Scale WECS and associated accessory structures shall be located at least a minimum of a half mile from Matteson Lake, Swan Creek, Big Swan Creek, Little Swan Creek, and the St. Joseph River.
- (c) **Lot Size.** The size of the lot(s) to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in Section D.3.(b).
- (d) **Minimum Ground Clearance.** The minimum vertical blade tip clearance shall be a minimum of fifty (50) feet of clearance over and above any structure and a minimum of 100 feet of clearance above the ground.
- (e) **Branch County Airport**
 - (i) All WECS shall fully comply with the Branch County Memorial Joint Airport Authority Ordinance.
 - (ii) The Branch County Airport shall issue a Determination of No-Hazard before approval can be granted by the Township.
- (f) **Noise Emission:**
 - (i) No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 45 dBA (Lmax) or 55 dBC (Lmax) (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) for any duration, at a property line or any point within any property.
 - (ii) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a landowner's property line or at any point within a landowner's property.
 - (iii) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a landowner's property line or at any point within landowner's property.
 - (iv) A noise level measurement made in accordance with methods in Section D.3.g. that is higher than 45 dBA (Lmax) or 55 dBC (Lmax) adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.

- (v) An acoustic, vibratory or barometric measurement documenting oscillations associated to commercial or industrial permitted facilities with levels exceeding the noise limits shall constitute prima facie evidence of a nuisance.
- (vi) All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property.

(g) Noise Measurement and Compliance

- (i) Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Matteson Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.
 - (ii) Quality: Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSI S12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreens shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
- (h) Noise Level:** Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
- (i) Sound Level Limits.
 - 1) Between the hours of 7 a.m. to 10 p.m., any single 10-minute LAeq A-weighted equivalent sound level measured at the property line of an unpooled (single) parcel (as defined in Section B hereof) upon which there is an occupied building or dwelling shall not exceed 35 dBA or 5 dBA over ambient noise limit, whichever is lower. Between the hours of 10 p.m. to 7 a.m., any single 10-minute LAeq A-weighted equivalent sound level measured at the property line of an unpooled (single) parcel (as defined in Section B hereof) upon which there is an occupied building or dwelling shall not exceed 30 dBA or 5 dBA over ambient noise limit, whichever is lower.

- 2) On a pooled parcel, the ten-minute LAeq sound level measured at the wall of an occupied building nearest to the wind turbine or turbines shall not exceed 45 dBA.
 - 3) These sound level limits are to be evaluated using the A-weighted equivalent sound level (LAeq) descriptor. The LAeq is measured using a ten-minute time interval.
 - 4) In the event audible noise due to wind energy conversion system operations contains a tone, such as from a gearbox or generator, the standards for audible noise set forth in Section D.3.(h).1.a and D.3.(h).1.b of this subsection shall be reduced from 0 to 6 dBA depending on the severity of the tone as determined by ISO 1996-2, see Sections D.3.a.iv. and D.6.f.
- (i) **Tonal Noise:** Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high frequency bands (500–10,000 Hz).
- (i) **Sample Metric and Rate:** Noise level measurements for essentially continuous non-time varying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-persecond. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
- (ii) **Reporting:** Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and, Pasquill Class occurring during testing.
- (j) **Construction Codes, Towers, & Interconnection Standards.** Utility-scale WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility-scale WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, the Branch County Memorial Joint Airport Authority Ordinance, and other applicable local and state regulations. An interconnected utility-scale WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements. Utility-scale WECS shall comply with the following construction requirements:

- (i) Tubular towers are required for WECS.
 - (ii) The base of the wind turbine must be constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 4 feet.
 - (iii) "Up wind turbines" are required.
 - (iv) Constant velocity turbines are preferred. Variable speed turbines must submit additional data concerning noise when their revolutions per minute exceed 25 rpms.
 - (v) Visual appearance shall be limited by the use of paint color and finishes that minimize visibility and reflectivity and create a consistent appearance among turbines and turbine components.
 - (vi) Color shall be RAL 9001, or similar muted soft white or gray.
 - (vii) At the time of application, a paint sample shall be provided for all visible turbine components to demonstrate consistent appearance in paint finish and color.
 - (viii) Coatings shall be defined according to ISO 2813:2014 (or most recent version utilized at the time of turbine production) at a viewing angle of 60 degrees with a gloss rating of less than or equal to 30 gloss units.
 - (ix) All turbine components shall meet a gloss rating specification of equal to or less than 30 gloss units throughout special land use or shall be recoated at the owner's expense within 180 days of a determination of non-compliance.
 - (x) The Planning Commission, or designated staff, shall ensure verification of paint finishes and gloss rating prior to the erection of the turbine components, at the expense of the Wind Energy Conversion System (WES) owner, through a third-party qualified tester using ISO 2813:2014 (or most recent version utilized at the time of turbine production) to demonstrate compliance.
 - (xi) If the Planning Commission determines that additional testing of the paint finish is needed at any point during the duration of the special land use to confirm compliance with the 30-gloss unit maximum, testing shall be completed, at the expense of the WECS owner, by a third-party qualified tester selected by the Planning Commission. Testing shall follow ISO 2813:2014 (or most recent version) to demonstrate compliance.
 - (xii) No advertising of any kind shall be allowed on the wind turbine.
 - (xiii) The electrical wires used to connect the turbine tower to its step-up transformer shall be installed at a depth of 48 inches or more below ground.
 - (xiv) The certified registered engineer and authorized factory representative shall certify that the construction and installation of the conversion system meets or exceeds the manufacturer's construction and installation standards.
- (k) Safety. The utility-scale WECS shall meet the following safety requirements:

- (i) The utility-scale WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- (ii) All energy collection system wiring shall comply with all applicable safety and stray voltage standards.
- (iii) Each utility-scale WEC shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
- (iv) A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
- (v) All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
 - 1) Fences with locking portals at least six (6) feet high
 - 2) Anti-climbing devices twelve (12) feet from base of pole
- (l) Shadow Flicker. Utility-scale WECS shall produce no shadow flicker on unpooled parcels. Measures to mitigate the effects of shadow flicker on adjacent properties, including pooled parcels such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required by the Township depending on the location and duration of the shadow flicker impact.
 - (i) Mitigation and Mitigation Plan. A shadow flicker detection/abatement system is required on each wind turbine generator. An equivalent type of system may be used, but only with prior approval by the Planning Commission. Shadow detection systems must be kept in good working order for the entire duration of the special land use. Shadow flicker mitigation measures for each receptor modeled to receive flicker shall be described in a mitigation plan and submitted with the application. Flicker mitigation measures may include but are not limited to, turbine siting changes and flicker detection/abatement system operation. If landscaping is used as a mitigation procedure, the planting of mature trees shall be required. The Planning Commission may require a performance guarantee or other mitigation measures, to assure the long-term viability and effectiveness of the mitigation.
- (m) Fluid Containment. Each utility-scale WECS shall include both an internal and external fluid containment barrier located either within the nacelle, or at the base of the nacelle in the event of a spill or leak.
- (n) Vibrations. Wind turbines shall not create vibrations that are detectable by humans on unpooled properties.
- (o) Substations and Accessory Buildings. Structures related to a WECS shall be subject to the dimensional and locational standards of accessory structures in the zoning district. However, WECS and structures associated with a WECS shall not count towards the maximum number of accessory structures on a given lot.

- (p)** Inspection. The Township shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
- (q)** Signage: Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be two square feet in area and be placed at the road right of way. Signs shall be the same and shall uniquely identify each WECS. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
 - (i)** Warning high voltage.
 - (ii)** The sign shall have at a minimum six (6) inch letters with 3/4-inch stroke.
 - (iii)** This sign shall include a 24-hour emergency phone number.
 - (iv)** Pooled Parcel Land owner's name, WECS owner's name, and operator's name.
 - (v)** Emergency telephone numbers and web address. (list more than one number).
 - (vi)** If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
 - (vii)** Unique identification such as address of WECS. If more than one WECS on access drive, units shall have further identification such that first responders can positively identify.
- (r)** Coating and Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- (s)** Communication Interference: Each WECS shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Section D.9.
- (t)** Braking: Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.
- (u)** Applicant Compliance: The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements, and obtain all necessary permits from the FAA, Michigan Department of Transportation, and/or any other Federal, State, Township, or other government authority prior to construction of any WECS.

(4) Liability Insurance

(a) Liability Insurance: The current WECS owner and operator shall insure for liability for the WECS in an amount of \$2,000,000, without interruption until removed and to protect the current WECS owner and operator. In the event a public service such as police, fire, or rescue is required due to the operation, maintenance, or failure of a wind turbine, any cost incurred as a result of said event shall be the sole responsibility of the applicant and/or owner of the utility-scale WECS.

(5) Decommissioning:

(a) To ensure proper removal of each WECS structure when it is abandoned or non-operational, application for a special land use permit shall include a proof of the financial security in effect before permit is approved. The security shall be in the form of a cash deposit. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder, or Pooled Parcel, assets (liquid or fixed such as cash equivalents, land, equipment, buildings, etc.) approved by the Planning Commission. a) The amount of each WECS security guarantee, shall be the average of at least two independent (applicant) demolition (removal) quotes obtained by the Planning Commission and approved by the Township Board. If the quantity of quotes obtained is two (2), the formula should be (quote 1 + quote 2) divided by two (2). The security guarantee shall be a cash deposit of no less than 150% of the cost for the first turbine, 120% of the cost for the second turbine and 100% of the cost for each additional WECS thereafter. The security guarantee shall be no less than one-million-dollar cash deposit with (150% for the first turbine, 120% for the second turbine, 100% for each additional turbine) per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. The cash deposit shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year. b) Such financial guarantee shall be deposited with the Township Treasurer after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal. d) The Applicant/Owner and Operator shall execute any and all document (as provided or approved by the Township), sufficient to provide the Township with a perfected security interest in monies deposited with the Township for the purpose of decommissioning any wind energy conversion system.

(6) Transfer or Sale. In the event of a transfer or sale of the WECS, the Township shall be notified and the special land use permit may be amended administratively by the Township board.

(a) In the event of an ownership change the current owner shall present at a meeting of the Township Board a report and information regarding the following:

(i) The current condition of the WECS Tower

(ii) Description and introduction of the new owner

(iii) Any changes to ongoing maintenance of the WECS

- (b) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
- (c) Upon transfer or sale, the cash bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- (7) **Safety Manual:** The Applicant must provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.
- (8) **Operational, Maintenance, and Issue Resolution:** Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including WECS removal. The Applicant shall keep a maintenance log on each WECS and must provide complete log to the Township within thirty (30) days of request. To assure compliance with this requirement, an annual audit of maintenance records, conducted by a qualified third-party maintenance expert acceptable to the Township, shall be completed at the expense of the owner/operator of the turbine, and a copy of this report provided as specified by the Township.
- (a) WECS must be maintained and kept in operational working order or shall be removed by the owner of the wind energy conversion system. Any wind energy conversion system, or part of a wind energy conversion system such as a wind turbine generator, that has not produced electrical energy for 6 consecutive months shall be deemed to be abandoned; provided, however, that the owner or operator of the wind turbine may apply to the Planning Commission, not less than 60 days prior to the expiration of said 6-month period, for one additional extension of up to six months upon establishing, to the satisfaction of the Planning Commission, that the lack of production was caused by reasons beyond the control of the owner or operator. In determining whether such abandonment has occurred, the Planning Commission or Township Zoning Administrator may request, and the operator, system owner, or property owner shall provide written documentation accurately indicating the amount of electrical energy produced by the wind energy conversion system during said 6-month period. It shall be the obligation of the wind energy conversion system owner to remove the abandoned wind energy conversion system.

- (b) An escrow account shall be set up when the applicant applies for a Special Use Permit for a WECS and WECS Testing Facilities to cover permitting costs. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.
- (c) Transfer or sale. In the event of a transfer or sale of the WECS, the Township shall be notified and the special land use permit, may be amended administratively by the Township board.
- (i) Change in ownership alone shall be considered a minor amendment to the special land use and may be approved administratively without a public hearing.
 - (ii) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
 - (iii) Upon transfer or sale, the cash bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new a performance bond or letter of credit, in an amount determined by the Planning Commission to be sufficient to cover the entire cost of removal, shall be submitted by the applicant prior to the issuance of the special land use. To assist the Planning Commission in determining the amount of the performance bond or letter of credit, the applicant may submit information regarding the estimated cost to remove a wind energy conversion system.
- (d) The WECS owner or operator shall provide the Zoning Administrator with a copy of the monthly maintenance inspections for WECS located on absentee landowner parcels.
- (e) Applicant must provide Township with current copy of the un-redacted manufacturer's user manuals including safety manuals with permit application. Manufacturer's safety manuals will be made available for review upon request by any resident living within 2 miles of any Industrial Wind Turbine.

- (f) If there is a mechanical failure resulting in, but not limited to, an abnormal sound emission, release of a pollutant, or a public safety hazard including blade throw, ice throw, fire or injury to any person or property, the Zoning Administrator shall be notified of the event the next day of business following the event. The applicant shall provide the Township at the time of application an operational procedure for this event, a mitigation strategy, and appropriate emergency contact information. A written report describing the failure and the owner's response to the failure shall be submitted to the Zoning Administrator within 10 business days of the event. Sound emitted from a wind turbine generator that is the result of a mechanical failure or lack of maintenance may not be subject to the complaint resolution procedure outlined in D.9. Emergency contact information and a turbine reference number shall be placed in an appropriate location near the site of the turbine, such as at the gate for the access road, so it can be viewed without trespassing on private property.
- (9) Complaint Resolution. The purpose of this section is to provide the public with a mechanism to file a complaint with the wind energy conversion system owner and the Zoning Administrator and receive a timely response from the wind energy conversion system owner regarding alleged wind energy conversion system ordinance violations. The applicant shall submit procedures which it intends to implement for receiving, acting upon, and resolving complaints or allegations that the wind energy conversion system is not in compliance with this ordinance.
- (a) Complaint resolution procedures must be presented at the time of application and must meet the approval of the Planning Commission prior to approval of a special land use. Those procedures, at a minimum, shall:
 - (i) Require the system owner to accept complaints regarding non-compliance with the ordinance from all property owners within the project boundary and up to a two-mile radius of a wind turbine generator.
 - (ii) Provide a telephone number and mailing address at which the operator can be contacted for purposes of submitting complaints or allegations of non-compliance.
 - (iii) Require that all such complaints or allegations be submitted in writing.
 - (iv) As a condition of the system owner acting on the complaint, require that a complainant allow the wind energy conversion system owner or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complainant for further investigation and testing.
 - (v) Set forth information that must be included in the complaint or allegation.
 - (vi) Require that a complaint is acknowledged in writing by the wind turbine owner to both the complainant and the Zoning Administrator within five (5) business days of receipt of said complaint.
 - (vii) Set forth the number of days, not to exceed thirty (30), in which the operator shall investigate and resolve any and all complaints or allegations, either by way of correction or formal denial of non-compliance.
 - (viii) Require the operator to advise the Zoning Administrator in writing of the resolution of any complaint or allegation of non-compliance within thirty (30) days of its receipt of the same.

- (b) Any complaint not resolved within thirty (30) days shall result in a performance review by the Planning Commission as described in Section D.12. Resolution or mitigation of a complaint that involves construction, landscaping, testing or other significant alteration/operational condition that is dependent on seasonal or other conditions may exceed thirty (30) days if approved by the Planning Commission.
- (c) For complaints not resolved within (30) days, the Planning Commission may request punitive damages for the complainant(s) and a civil penalty for the Commission to vindicate the public interest.
- (d) It shall be a violation of this ordinance to modify the approved complaint resolution procedures without the prior approval of the Planning Commission.
- (10) Non-Compliance with Standards: The Township Board reserves the right to require WECS Applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.
- (11) Signal Interference. Through the appropriate placement of wind turbine generators, the applicant shall design to eliminate any interference such as, but not limited to, internet (Wi-Fi or satellite), AM or FM radio, cell telephones (including cellular and landline), 911, satellite television, microwave, navigational, emergency systems, and digital television. Post-construction signal interference caused by the wind energy conversion system shall be mitigated by the wind energy conversion system owner at their expense.

 - (a) An application shall include a Licensed Microwave Search and Worst-Case Fresnel Zone (WCFZ) analysis.
 - (b) The application shall include an interference mitigation plan. The plan shall describe mitigation measures and procedures to eliminate interference from the wind energy conversion system. The plan shall address various forms of interference and corresponding mitigation measures employed before and after construction of the wind energy conversion system. The plan must include relevant maps and modeling showing all known television, internet, emergency services, radio broadcast, or other signal paths along with proposed wind turbine locations.
- (12) Performance Review. The Planning Commission shall require a performance review of the special land use on a three-year basis or as it may be required. The three-year time period commences after the first turbine of the wind energy conversion system becomes operational. The Planning Commission shall provide the performance review and the Township shall perform, where reasonably practicable, investigation regarding a complaint or other matter requiring a performance review. In its sole discretion, the Township may require the assistance of an independent third party due to the specialized nature of the complaint, conflicting evidence, or other condition. The reasonable cost of an independent third-party consultant shall be at the expense of the WECS owner. Failure to maintain compliance with this ordinance shall result in enforcement action which may include the termination of the special land use, or portions of the special land use. The Township will retain jurisdiction to modify, suspend or revoke all IWT licenses, should any violations occur.

- (a)** To administer the provisions relating to the WECS, the Township may hire consultants and experts as are reasonably necessary in the sole discretion of the Township. The applicant shall pay the Township in advance for the costs of such consultants and experts. The Township may charge an annual fee to be determined by the Matteson Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable in light of efforts required.
- (b)** The purpose of the performance review is to evaluate the status of:
- (i)** Compliance with Special Land Use. Compliance with the conditions set forth by the special land use, such as specific mitigation measures or operation procedures.
 - (ii)** Ownership Change. Changes in ownership or operation of the wind energy system. (Already addressed)
 - (iii)** Avian or Bat Mortality. A significant avian or bat mortality event that exceeds projected impacts described in the Wildlife Study as required in Section D.2.(e).3 of this ordinance.
 - (iv)** Other. Other matters as determined by the Planning Commission.
 - (v)** Unresolved and/or repeated complaints. A complaint taking longer than thirty (30) days to resolve may require a performance review unless otherwise specified in the ordinance. If after the performance review and further investigation, the Planning Commission verifies that alleged ordinance violations are the result of the operation or condition of the wind energy conversion system, the owner/operator shall eliminate the non-compliance by mitigation or other measures which may include temporary operational changes. The Planning Commission shall establish the effective date of the mitigation measure based on the nature of the mitigation.
 - (vi)** As a condition of the Planning Commission conducting a performance review, the complainant shall be required to allow Township staff, the wind energy conversion system owner or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complainant for further investigation and testing.
 - (vii)** Actions taken by the Planning Commission to terminate or modify the Special Land Use, portions of the Special Land Use, or the conditions of the Special Land Use shall require a public hearing and notification to the wind energy conversion system owner pursuant to the conditions of the original permit.

Section 3.58 Wireless Telecommunications

(A) Definition: 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, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

(B) Standards:

- (1) The setback for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half (1-1/2) times the height of each tower above the ground. Accessory buildings or other accessory structures shall comply with the general setback requirements of the zoning classification in which they are located.
- (2) When the tower(s) ceases to operate, it shall be removed within three (3) months.
- (3) The Planning Commission shall have the authority to require the applicant to file with the Township Clerk prior to the time of establishment of the tower(s) on the subject property a cash deposit, certified check, irrevocable bank letter of credit or surety bond in such amount as the Planning Commission determines necessary to cover the estimated cost of removal of the tower(s). If the tower(s) are not removed as required by subparagraph 2, above, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to ensure removal of the tower(s) using as much of the security deposit as is necessary for that purpose. This security requirements shall continue in effect until the tower(s) are removed.
- (4) A party receiving a special land use permit hereunder shall be required to carry and maintain personal injury and property damage liability insurance for the subject site in the amount of not less than five hundred thousand dollars (\$500,000) for each person or property injured or damaged and not less than one million dollars (\$1,000,000) for injury or damage to more than one person or one person's property arising out of one occurrence. A copy of the insurance policy shall be filed with the Township Clerk prior to the issuance of a special land use permit. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained pursuant to this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance.
- (5) Unless specifically waived by the Planning Commission, an open-air fence between four and six (4'-6') feet in height shall be constructed on the boundary property lines.

Article 4 Fences, Accessory Structures, and Storage

Section 4.01 Accessory Uses and Structures

(A) Accessory Uses. Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

- (1) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area, not to exceed one hundred eighty (180') square feet in floor area.
- (2) Buildings or structures necessary for provision of essential services.
- (3) Gardens, garden ornaments and usual landscape features within required yard space.
- (4) Fences, walls, and screens within required yard space.
- (5) Retaining walls.
- (6) Public playgrounds.
- (7) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and a half (1.5) ton rated capacity. However, 1.5 ton vehicles must be parked outside the right-of-way.
- (8) Use of premises as a voting place.
- (9) Storage sheds, playhouses, and shelters for transit or school bus passengers.
- (10) Radio or TV antennas.
- (11) Swimming Pools.

(B) Accessory Dwelling Units

- (1) **Definition:** A second dwelling unit associated with the principal dwelling which cannot be sold or leased separately from the principal dwelling unit.
- (2) **Standards.** The following regulations shall apply to accessory dwelling units:
 - (a) **Residence an Incidental Use.** The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
 - (i) Only one (1) such accessory residence shall be permitted on each parcel.
 - (ii) The total floor area of the accessory residence shall not exceed eight hundred (800) square feet.
 - (b) **Parking and Access.** In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
 - (c) **Building Code.** The Accessory Dwelling Unit must comply with all relevant Building Codes.

(C) Accessory Buildings or Accessory Structures. Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the following regulations:

- (1) Accessory buildings used for agricultural purposes within the A-1 General Agricultural, A-2 Light Agricultural and R-1 Rural Residential districts shall be exempt from these requirements.
- (2) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building, including attached garages.
- (3) Accessory building may only be placed in rear or side yards. In R1 and R2 districts, accessory buildings shall not be erected in any required yard, except a rear yard.
- (4) An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- (5) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.
- (6) No detached accessory building in the R-1, R-2 or C districts shall exceed 14 feet in height, as measured to the eave, or 28 feet in height, as measured to the peak of the roof. Accessory buildings in the A-1, A-2 and I districts may be constructed to equal the permitted maximum height of principal structures in those districts.
- (7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of the corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
- (8) When an accessory building in any Residential District is intended for other than storage, the accessory use shall be subject to the approval of the Planning Commission.
- (9) No deck, boat well, dock or similar structure shall by reason of its size, location or construction, endanger life and limb, impair water traffic flow, or obstruct vision upon the water.
 - (a) All decks and similar structures shall be allowed as accessory uses only and not as principal permitted uses in any district. Boat wells and docks shall be allowed as accessory uses only and not as principal uses in the R-2 District.
 - (b) Construction of all decks, docks and similar structures shall have a minimum ten (10) foot side yard setback.
 - (c) Decks and boat wells shall be included in the maximum percent of lot area covered by all buildings as defined in Article 13 of this Ordinance. For purposes of the Article, decks and boat wells shall be considered buildings.
 - (d) The use of any deck, boat well, or dock, shall comply with the zoning regulations in effect for the district in which the deck, boat well; dock or similar structure is erected. In addition, no docking facility or boat well shall be allowed until the owner has obtained all necessary permits from the State of Michigan, Department of Natural Resources.

Section 4.02 Storage Requirements

- (A) Storage of Garbage.** Except for the AG District, all garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- (B) Storage of Equipment and Materials.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less than six (6) feet in height, measured from the surface of the adjacent building flooring.
- (C) Storage and Dumping of Waste, Junk, Etc.** The use of land or water resources for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the process of industrial manufacturing or in the performance of normal household or farming activities on the same lot or parcel on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Planning Commission, after a public hearing and in accordance with Part 115 of the Michigan Natural Resources and Environmental Protection Act as amended. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after approval is granted by the Planning Commission.
- (1) Bond/Agreement.** An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Planning Commission. Such dumping or disposal shall not negatively affect the water table, or cause pollution of stagnant or running water in any area of the Township or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the Township. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit. The character of the land shall not be substantially altered so as to make it unusable for the uses for which it was originally zoned.
- (D) Junk Motor Vehicles.** Motor vehicles, which are inoperable or not currently licensed, shall be deemed to be junk or refuse, and shall not be stored in any residential zone except within the confines of an enclosed building. If after four complaints and citations, or sixty (60) days by the Matteson Township Zoning Administrator, the material remains in violation of this ordinance, the Township may cause the violation to be removed, and bill the property owner. If the billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County.

This page left blank intentionally.

Article 5 Screening and Buffering

Section 5.01 Corner Clearance

Except as may otherwise be provided in this Ordinance, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street or road right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Section 5.02 Screening or Buffers

Screening or buffers are required on commercial or industrial property on the side which abuts property in any of the following zoning districts: A-1, A-2, R-1, R-2 or RC. Buffers or screening are required even when the adjacent lot is unimproved. A screen or buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers or screening are not required on commercial or industrial lots that are already developed as such.

A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation by a fence, wall, berm, or screen.

When landscaping is used for a buffer area, no more than 33% of plantings in the landscape area may be the same species. Further, no single tree species shall make up more than 50% of the trees within the landscape area.

The Planning Commission shall determine the character of the buffer based on the following criteria:

- (1) Traffic impact.
- (2) Increased building and parking lot coverage.
- (3) Increased outdoor sales, display and manufacturing area.
- (4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
- (5) Visual, noise and air pollution levels.
- (6) Health, safety and welfare of the Township.

Section 5.03 Road Frontage Trees

Road frontage trees are required to be planted within 20 feet of the front lot line in conjunction with any commercial or industrial use, or any special use. One tree is required per 40 feet of lot width.

Section 5.04 Screening of Trash Storage Areas

- (A) In all districts, for each commercial or industrial lot or use there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.
- (B) In no instance shall any such refuse be visible above the required screening.
- (C) A screening wall, fence, or hedge in accordance with Section 14.19 of this Ordinance, of six (6) feet in height shall enclose three (3) sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete or asphalt which complies with Township building requirements.
- (D) Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

Section 5.05 Screening of Parking Lots

The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any R or AG Zoning District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees which are a minimum of five (5) feet in height or other suitable screening device.

Article 6 Parking and Loading

Section 6.01 Number of Parking Spaces

In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows: (These standards may be modified by the Planning Commission during site plan review)

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows
(1) Animal Hospital and Kennels	1	Four hundred (400) square feet of usable floor area plus two (2) employees
(2) Auditorium, Theaters, and Assembly Halls	1	Three (3) seats based on maximum seating capacity in the main place of assembly therein, plus two (2) employees
(3) Auto Repair Shops, Bump Shops, Service Garages	2	Service stall
	1	plus eight hundred (800) square feet of usable floor area, plus two (2) employees
(4) Auto salesrooms, Wholesale Stores, Machinery Sales, Showrooms of a plumber electrician, or other similar trade	1	One thousand (1,000) square feet of usable floor area, plus one (1) employee
(5) Banks and Post Offices	1	Two hundred (200) square feet of usable floor area plus one (1) employee
(6) Barber Shop	2	Barber
(7) Beauty Parlor	3	Beauty shop operator
(8) Bowling Alleys	8	Bowling lane, plus amount required for accessory uses
(9) Business and Professional Offices	1	Two hundred (200) square feet of gross floor area
(10) Carry-out, Drive-in Restaurant	1	Two hundred (200) square feet of gross floor area plus two (2) employees, with a minimum total of eight (8) parking spaces
(11) Child Care Center, Day Care Centers, Nursery Schools	1	Four hundred (400) square feet of usable floor area plus employee
(12) Churches	1	Three (3) seats or six (6) feet of pews, based on maximum seating capacity in the main unit of worship

(13) Dance Halls, Exhibition Halls, Pool Halls, and Billiard Parlors, and Assembly Halls without fixed seats	1 (or)	Two (2) persons allowed within the maximum occupancy load as established by local, County or State fire, health or building codes
	1	One hundred (100) square feet of usable floor area (whichever is greater)
(14) Drive-in Bank	4	Teller window
(15) Drive-in Establishments	1	Two (2) employees
(see also Item 20 below)		
(16) Drive-in Restaurants	1	Fifty (50) square feet of gross floor area plus
	1	three (3) employees, with a minimum total of forty (40) parking spaces
(17) Drive-in Theater	1	Outdoor speaking facility,
	1	plus two (2) employees
(18) Elementary Schools, Junior High Schools, Trade Schools	1	Teacher, employee and administrator, in addition to the requirements of the auditorium or assembly hall. If no auditorium or assembly hall exists, then one (1) space per classroom is required in addition to that for each teacher, employee or administrator in the school.
(19) Establishments (other than drive-in restaurants) for sale and consumption on the premises of beverages, food or refreshments (i.e., standard restaurants)	1 1	Three (3) persons allowed within the maximum capacity load as established by local, State or County fire, health or building codes, plus three (3) employees,
	1	or one hundred (100) square feet of gross floor
	1	area, plus three (3) employees
(20) Fast-food, Drive-in Restaurants	1	One hundred twenty-five (125) square feet of
	1	gross floor area, plus two employees, with a minimum total of twenty (25) parking spaces
(21) Filling Station, Automobile Service Station	2	Service stall,
	1	plus employee,
	1	plus service vehicle

(22) Furniture and Appliance, Household	1	Eight hundred (800) square feet of usable floor
Equipment Repair Shops, Hardware Stores, and Similar Stores	1	area, plus two (2) employees
(23) Golf Course open to the public	5	Hole, plus employee, plus the amount
	1	required for accessory uses
(24) High Schools	1	Teacher, plus employee or administrator,
	1	plus requirements of the auditorium or assembly
	1	hall therein, plus ten (10) students
(25) Hospitals	1	Two (2) beds
	1	plus staff doctor,
	1	plus one thousand (1,000) square feet of patient
	1	surgery or treatment area, plus two (2) employees
(26) Industrial Establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical work-shops	1	One and one-half (1 1/2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or five hundred fifty (550) square feet of usable
	1	floor area (whichever is greater)
(27) Laundromat, coin-operated dry cleaning establishments	1	Washing and/or dry cleaning machine
(28) Libraries and Museums	1	Five hundred (500) square feet gross floor area
(29) Medical Clinic or Dental Clinic	3	Staff or visiting doctors,
	1	plus one (1) employee
(30) Miniature or Par 3 Golf Course	2	Hole,
	1	plus employee
(31) Mobile Home Site	2	Mobile home site
(32) Mortuary establishments, funeral homes and undertaking parlor	1	Fifty (50) square feet of floor area in the parlor area

(33) Motels and Hotels	1	Guest bedroom,
	1	plus one (1) employee, plus parking space as may be required for accessory uses
(34) Motor Vehicle Wash Establishment	4	Wash stall
(37) Open air business uses including mobile home sales and used car sales lot	1	Each eight hundred (800) square feet of gross lot area used for open air sales or display plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores (Item 41)
(38) Personal service establishment, not otherwise provided for herein	1	Three hundred (300) square feet of usable floor area, plus one (1) per each two (2) employees
(39) Private clubs, fraternities, dormitories	1	Three (3) members or lodgers allowed within the maximum occupancy load as established by local, State or County fire, health or building codes
(40) Private tennis club, swim club, golf club	1	Four (4) member families or individual members, or similar use plus the amount required for accessory uses
(41) Retail stores except as otherwise provided herein	1	One hundred fifty (150) square feet of gross floor area, plus one (1) per each two (2) employees
(42) Roadside stands	4	Establishment*
(43) Sanitariums, convents, home for the aged, convalescent homes, nursing homes, and children's homes	1	Four (4) beds, plus one (1) per each staff doctor, plus one (1) per each two (2) employees
(44) Single or two-family dwelling	2	Dwelling unit
(45) Stadiums and sports arenas	1	Four (4) seats, or eight (8) feet of benches (whichever is greater)
(46) Warehouse and storage buildings	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night, or fifteen hundred (1,500) square feet of gross
		floor space (whichever is greater)

*Designated parking spaces into required; refers to minimum area to be set aside for vehicles to be parked in a safe and orderly manner.

Section 6.02 Location of Facilities

Off-street parking facilities shall be located as specified below; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve.

- (A) For all residential buildings and for all nonresidential buildings and uses in Residential Zoning Districts, required parking shall be provided on the lot with the building or use it is required to serve.
- (B) For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within three hundred (300) feet.

Section 6.03 Size of Parking Space

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of One Tier of Spaces Plus Maneuvering Lane
0 (Parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30 to 53	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54 to 74	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75 to 90	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

Section 6.04 Requirements for Parking Areas

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a public facility parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (A) The parking lot and its driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete, asphalt pavement or crushed gravel; and (3) maintained in good condition, free of dust, trash, and debris.
- (B) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- (C) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
- (D) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (E) No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than ten (10) feet to the street right-of-way.

Section 6.05 Off-Street Loading Spaces

For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor areas as follows:

(A) Up to twenty thousand (20,000) square feet - one (1) space;

(B) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces;

(C) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any R Zoning District.

Section 6.06 Handicapped Parking

Handicapped parking shall be provided in accordance with the State of Michigan regulations.

Article 7 Signs

Section 7.01 Purpose

The purpose of this section is to preserve the rural character of Matteson Township, for the enjoyment of its residents and visitors and as a base for its economic well-being; and to promote the safety, comfort, and well-being of the users of roads and unimproved roads in the township. The intent is to:

- (A) Provide for needed informational and directional signs.
- (B) Provide for signs which are easily read but not obtrusive, and which are compatible with the surroundings.
- (C) Discourage excessive visual competition between signs.
- (D) Eliminate distractions and obstructions which affect traffic safety, and hazardous signs projecting over or encroaching upon public ways.

Section 7.02 Definitions

Sign. Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention.

Multiple Signs: A group of signs clustered together on a single sign structure for the same building or building complex, or for a group of businesses choosing to advertise or to give directions together, or for a group of residents who live remotely on a private road or private unimproved road.

Moveable or Portable Sign: A free-standing sign not permanently anchored or secured to a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.

Area of Sign: Shall be based upon the entire area of the sign, including any frame or border. The area shall be calculated using the dimensions of the minimum sized rectangle, triangle, circle, semi circle, or any combination thereof that will enclose the extreme limits of the actual sign surface.

- (A) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color or finish material of the building.
- (B) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other geometric shape, which encompasses all of the letters and symbols.
- (C) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is functionally proportional and incidental to the display.
- (D) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- (E) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape as described in (A) above, and computing its area.

Height of Sign: The height of any sign or support measured from the natural grade under the sign to the highest point of the sign or support.

Section 7.03 Signs Requiring No Permit

The following signs shall be allowed without having to obtain a permit, if they meet the particular requirements listed or referenced. Such exemption, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance. Signs shall not be located so as to obstruct the vision of drivers or to constitute a traffic hazard.

- (A)** Small signs which have an area of not more than two (2) square feet.
- (B)** Official State and National flags, which are exempted from any size limitations. Other flags no larger than twenty-four (24) square feet, bearing the official design of a church, educational institution, municipality, or non-commercial organization, and those conveying a patriotic or holiday theme. This does not allow flags to be used in any way with advertising of any kind.
- (C) Temporary Signs on Residential Property**
 - (1)** No residential lot may contain more than 48 square feet of total temporary signage.
 - (2)** Signs must be more than 30 feet from the edge of the roadway (white line) for highways that do not have barrier-type curbs. For highways with barrier curbs, the signs must be more than three feet from the back of the curb.
 - (3)** Signs are not permitted within areas used for clear vision at intersections or commercial driveways, so they will not interfere with the sight distance of a driver. No signs may be placed within the public right-of-way. Any sign placed in the right-of-way shall be removed by the Zoning Administrator.
 - (4)** Any illegally placed signs will be removed.
- (D) Temporary Signs on Non-Residential Property**
 - (1)** No non-residential lot may contain more than 24 square feet of total temporary signage. This limit may be waived by the Zoning Administrator for a lot containing a building (or a portion of a building) for sale or rent.
 - (2)** Signs must be more than 30 feet from the edge of the roadway (white line) for highways that do not have barrier-type curbs. For highways with barrier curbs, the signs must be more than three feet from the back of the curb.
 - (3)** Signs are not permitted within areas used for clear vision at intersections or commercial driveways, so they will not interfere with the sight distance of a driver. No signs may be placed within the limited access rights-of-way.
 - (4)** Any illegally placed signs will be removed by the Zoning Administrator.
- (E)** Governmental signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, ordinance, or other regulation, including such house/mail box numbering as may be required.
- (F)** Permanent signs of no more than sixteen (16) square feet in area on agricultural property

- (G) Signs for seasonal farm stands, which shall have an area no greater than sixteen (16) square feet on either side. There shall be no more than two (2) signs, and they must be removed during the seasons of the year when produce is not being sold.
- (H) Home businesses may have one (1) identifying sign not more than four (4) square feet in area, attached to the dwelling, to an accessory building, or to a maximum of two support posts without illumination, and of a character in keeping with the neighborhood. A single post used to support a sign shall be no higher than eight (8) feet as measured from grade. Double posts used to support a sign shall be no higher than six (6) feet from grade.
- (I) Multiple signs may be added to a support structure for which a permit has been issued.

Section 7.04 Signs Requiring a Permit

- (A) **Primary Sign.** Each non-residential lot may have a sign of not more than thirty-two (32) square feet in area. A parcel with frontage of three hundred (300) feet or more may have two (2) signs.
- (B) **Directional Signs.** In addition to the primary sign, signs up to 5 square feet in area may be placed on the site, subject to the following:
 - (1) Signs shall be located on the right hand side of the road or unimproved road and only at intersections, not closer than two hundred (200) feet from the road or unimproved road intersection of the center lines.
 - (2) Multiple signs shall have no more than six (6) signs mounted one above the other.

Section 7.05 Electronic Message Signs

- (1) Electronic message signs shall be permitted subject to the following standards:
 - (a) Copy change shall be no more frequent than once per seven seconds
 - (b) Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness, which shall not be manually overridden at any time. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 1,000 NITs.
 - (c) **Motion, Animation and Video:** Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.

Section 7.06 Prohibited Signs

- (A) A sign not expressly permitted is prohibited.
- (B) The following signs shall not be permitted, erected, or maintained in any district:
 - (1) Signs which incorporate in any manner flashing or moving lights.
 - (2) Any sign or sign structure which:

- (a) is structurally unsafe;
 - (b) constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - (c) is not kept in good repair;
 - (d) is capable of causing electrical shocks to persons likely to come in contact with it.
- (3) Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public roads or unimproved roads. Signs which make use of the words such as "Stop," "Look," "Danger," or any other word, phrase, symbol, or character, in such a manner as to interfere with, mislead, or confuse traffic.
 - (4) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 - (5) Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
 - (6) Moveable signs, provided that no movable sign be located on the premises for a period to exceed ten (10) days during any six (6) month period.
 - (7) Any sign larger than twenty-four (24) square feet in area, with the exception of off- premise goods and services business signs, which may have an area of thirty-two (32) square feet. See Section 16.4.B.

Section 7.07 Non-Conforming Signs and Sign Structures

(A) Continuance. Non-conforming signs requiring a permit under Section 16.4, but lawfully existing at the time of adoption or subsequent amendment of this Ordinance may continue.

(B) Maintenance.

- (1) Other than sign maintenance, a non-conforming sign shall not be reconstructed, remodeled, relocated, or changed in size or shape, unless such action will make the sign conforming in all respects.
- (2) Nothing in this section shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated.
- (3) parts of the sign itself. Supporting structures for a non-conforming sign shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.
- (4) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage, only after the owner has shown that the damage did not exceed fifty (50) percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty (50) percent, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

- (5) A non-conforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty (50) percent of the building's appraised value.

A sign shall be maintained in a good state of repair and appearance. If the zoning administrator determines that a sign is not secure, safe, or in a good state of repair, or that it is illegible from weathering, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within thirty (30) days of the written notice, the Zoning Administrator may revoke the sign permit, thus placing the sign owner in violation of the sign ordinance and liable for a fine as specified in the Matteson Township Civil Infraction Ordinance.

(C) Illumination Standards.

- (1) Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
- (2) Illuminated signs shall not be permitted to shine onto residential properties and traveled ways.
- (3) Searchlights, lasers or other high-intensity light designed primarily to light the sky for advertising or entertainment purposes are prohibited as being contrary to the express intent of this Article/Ordinance.

- (D) Insurance Requirement.** If any wall, projecting pole, or roof sign is suspended over a public road or property, or if the vertical distance of such sign above the public road is greater than the horizontal distance from the sign to the public road property line or to the roof parapet, and so located as to be able to fall or to be pushed onto public property, then the owner of such sign shall keep in force a public liability insurance policy, approved by the Township Attorney, in the amounts set by resolution of the Township Board. The policy shall indemnify the Township from all damage suits or actions of every nature brought or claimed against the Township for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the owner, his servants, agents or employees regarding such sign.

Section 7.08 Administration and Enforcement

(A) Permits.

- (1) Except where a waiver is granted specifically in this ordinance, no sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. Application shall be on forms prescribed by the Zoning Administrator. At a minimum, all applications shall include a scaled drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements.
- (2) Permits shall be issued only if the Zoning Administrator determines the sign complies or will comply with all applicable provisions of this Ordinance.

Enforcement. Any sign which is in violation of this ordinance, or is abandoned or discontinued, shall be corrected or removed, together with its attendant structure, by the person, firm, or corporation responsible for the sign, within thirty (30) days of written notice of such violation.

Article 8 General Provisions

Section 8.01 Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 8.02 Building Regulations

- (A) Scope.** No building or structure, or part of a building or structure, shall hereafter be erected, constructed, used, reconstructed, altered or maintained, and no lot or parcel, or part of a lot or parcel, shall hereafter be used or maintained and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
- (B) Unlawful Building.** In case any building, or part of a building, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, the building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
- (C) Temporary Building.** No temporary building shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy. The approval of a temporary building may not exceed one (1) year; however, the Zoning Board of Appeals, may grant multiple extensions up to three (3) months each for good cause shown, when the approval is due to expire.
- (D) Building Occupancy.** No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a nonresidential district, except for the living quarters of a watchman, caretaker, or resident manager.
- (E) Frontage on a Public Street.** No building shall be erected on a lot unless the lot fronts upon a street or road that has been dedicated to the public. Multi-family developments, or commercial, office, or industrial centers need not front upon publicly dedicated streets or roads, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Township.
- (F) One Lot, One Building.** In all districts, only one (1) principal building shall be placed on a single lot of record.
- (G) Mobile homes on Individual Parcels.** Mobile homes located on lots of record outside of manufactured home parks shall have a footprint of at least 24 feet in both length and width. The mobile home must also be attached to a foundation or concrete slab, contain water and sanitary sewer connections in accordance with Branch County Health Department regulations, and have adequate storage, either with a basement, garage, or other accessory building. Home shall have a continuous approved perimeter foundation reaching from below the frost line to the bottom of the structure with the same square footage as the main floor area.

Section 8.03 Abandoned Buildings and Structures

Any building or structure not in continuous use as defined by Permitted, Special Approval Use, or nonconforming uses in any district for a period greater than one (1) year shall be considered abandoned and come under the provisions of this Ordinance and other Township codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once twelve (12) months have passed, the building or structure shall have to meet all the current standards of all applicable Township codes, specifically Section 14.21 Nonconforming Uses.

Section 8.04 Buildings to be Moved

Any building or structure which has been wholly or partially erected on any premises located within or outside the Township shall not be moved and/or be placed upon any premises in the Township unless there is full compliance with Township ordinances. Any such building or structure shall fully conform to all provisions of this Ordinance and applicable housing codes, and be compatible with the general character and design of surrounding properties. The Zoning Administrator shall first determine such compatibility after reviewing the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within fifteen (15) days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the Township Board.

Section 8.05 Restoring Unsafe Buildings

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator. Any such strengthening or restoring shall be in accordance with the building code of the Township.

Section 8.06 Private Roads

Private Roads shall be allowed only in site condominium or condominium developments in Matteson Township. Such roads must be constructed according to Branch County Road Commission standards and be maintained by the developer or designated condominium association.

Section 8.07 Excavation and Holes

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial or farming operations, including the mining of sand and gravel, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Branch County, Matteson Township, or other units of government.

Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as far as possible, to its natural state, including planting of vegetation indigenous to the area, within ninety (90) days after the one (1) year anniversary of termination of excavation or extraction activities. If the site is immediately vacated after termination of activities, the site shall be graded and returned to its natural state within ninety (90) days after activities are terminated. In all other instances in which excavation of holes for construction or remodeling has occurred, the filling and grading of such holes shall occur as soon as practical.

Section 8.08 Essential Services

Essential services serving the Matteson Township shall be permitted as authorized and regulated by law and other Ordinances of the Municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Municipality shall receive the review and approval, after a public hearing, of the Township Board and after being recommended by the Zoning Board of Appeals. Such review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the Matteson Township.

Section 8.09 Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other public election.

Section 8.10 Public Nuisance, Per Se

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 8.11 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare of Matteson Township.

Section 8.12 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by any existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

This page left blank intentionally.

Article 9 Performance Standards

- (A) Open storage facilities shall be totally obscured by a wall on those sides abutting A-2 Light Agricultural District, R-1 Rural Residential district, R-2 Medium Density Residential District, and C Commercial District, and on any front yard abutting a public thoroughfare except as otherwise provided in Section 14.6. In the I Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'-6") in height and may, depending upon intensity and compatibility of land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Section 14.10, General Provisions. The height shall be determined in the same manner as the wall height is above set forth.
- (B) All activities and uses within the District shall conform to the following performance standards:
- (1) **Smoke.** A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant that exceeds existing federal and/or state standards and statutes regulating such emissions.
 - (2) **Open Fires.** A person or industry shall not burn any combustible refuse, other than paper or cardboard, in any open outdoor fire within the District.
 - (3) **Noxious Gases.** No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
 - (4) **Air Contaminants.** A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material that exceed existing federal and/or state standards and statutes regulating such air discharges.
 - (5) **Glare and Heat.** Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
 - (6) **Noise.** There shall be no noise emanating from the operation, which will create a public nuisance or adversely affect surrounding areas.
 - (7) **Vibration.** Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
 - (8) **Radio Transmission.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.
 - (9) **Storage of Flammable Materials.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other applicable yard requirements and performance standards included in this Ordinance, and providing that the following conditions are met:

- (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Township's Building Code.
- (b) All such buildings or structures shall be set back at least forty (40') feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
- (c) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.

(10)Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(11)Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by Matteson Township, the Michigan State Department of Health, the Michigan Department of Environmental Quality, and the U.S. Environmental Protection Agency. All discharges into public sewers shall be in accordance all applicable local, state, and federal regulations.

Article 10 Non-Conformities

(A) Intent. It is the intent of this Ordinance to permit existing, legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and use of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance 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.

To avoid undue hardship, nothing in this Ordinance 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 Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(B) Nonconforming Lots. In any Residential District, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which is under separate and distinct ownership from adjacent lots at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which the lot is located. Yard requirement variances may be sought through approval of the Zoning Board of Appeals.

(C) Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (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 this Ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (3) If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

(D) Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- (2) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance, however, this provision shall not apply to single-family and two-family residential structures.
- (3) 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 removed.

(E) Nonconforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this Ordinance 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, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- (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 in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of structure, or structure and premises in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses (one season out of each year) shall be excepted from this provision.
- (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.

(F) Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, mechanical appurtenances, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance 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.

(G) Special Use Interpretation. Any Special Approval Use as provided for in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(H) Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land; structures and premises provided there is no change in the nature or character of such nonconforming uses.

(I) Acquisition. The Township Board may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable state statutes.

This page left blank intentionally.

Article 11 Site Plan Review Procedures

Section 11.01 Purpose

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

Section 11.02 Circumstances Requiring A Site Plan

(A) Site plans are subject to review for the following uses:

- (1) All uses permitted by special approval in all zoning districts listed in this ordinance.
- (2) All Planned Residential Developments, including site condominiums.
- (3) Uses and structures permitted by right, in certain zoning districts, when such development is comprised of special characteristics that necessitate a site plan.
- (4) All site plans associated with a special use permit application must be reviewed by the Matteson Township Planning Commission, in accordance with the standards defined in this Article. All site plans required in conjunction with permitted uses shall be reviewed by the Zoning Administrator to ensure conformance with these standards. The Zoning Administrator shall attend all site plan review hearings.
- (5) All uses which are not single-family, duplex residential and agricultural accessory building or structures.

Section 11.03 Site Plan Data Required

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

- (1) The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least 1 inch = 20 feet for parcels under three (3) acres and not less than 1 inch = 50 feet for parcels three (3) acres or more.
- (2) The boundary lines of the property, to include all dimensions and legal description.
- (3) The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
- (4) The location and widths of all abutting rights-of-way.
- (5) The location of unusual environmental features, such as streams, wetlands, shorelands, etc.

- (7) The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- (8) The name and address of the property owner.
- (9) The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
- (10) The location of all existing and proposed landscaping as well as all existing and proposed fences and walls.
- (11) A location sketch of the proposed use or structure.
- (12) The type, location and size of all utilities existing and proposed for the site.
- (13) The location, size and slope of all subsurface drainage facilities.
- (14) A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
 - (a) The number of dwelling units proposed, by type, including a typical floor plan for each type of unit.
 - (b) The residential area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - (c) Typical elevation drawings of the front and rear of each building.
- (15) For multiple-family and mobile home developments, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of the building site is ten (10) percent or greater. Such contour shall be shown at height intervals of five (5) feet.

Section 11.04 Submittal and Approval

- (A) All site plans, required as stated with this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of the Zoning Administrator. A request for site plan approval for permitted and special uses identified shall require five (5) copies of the site plan. The Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least fourteen (14) days after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within fourteen (14) days of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.
- (B) In the case of a request for a special use permit approval, the Planning Commission shall have the responsibility to approve with specified changes and/or conditions, or disapprove the applicant's request, using the standard for site plan review included in this Ordinance as a basis for its decision. Unless otherwise notified by the Planning Commission, where a site plan is required in conjunction with a permitted use that must conform to the standards in Section 17.9, the Zoning Administrator shall have the responsibility to approve with specified changes and/or conditions, or disapprove the applicant's request, using the standards for site plan review included in this Ordinance as a basis for the decision.

- (D) Any conditions or changes stipulated by the Planning Commission in review of a special use permit request shall be recorded in the minutes of the meeting and a copy each of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the chairman of the Planning Commission and the Zoning Administrator. Any conditions or changes stipulated by the Zoning Administrator in review of a site plan associated with a permitted use shall be recorded by the Zoning Administrator and a copy of said condition or changes given to the applicant. An approved site plan request for a permitted use shall contain the signature of the Zoning Administrator.
- (E) Of the five (5) copies of the site plan submitted by the applicant for a special use permit, one copy/copies shall be kept on file by the Township Clerk, one (1) copy/copies shall be kept on file by the Planning Commission Secretary, one copy (1) retained in the Zoning Administrator's office and one (1) copy retained by the applicant. For a permitted use subject to the requirements in Section 17.9, one (1) copy shall be kept on file by the Township Clerk, one copy shall be retained by the Zoning Administrator and one copy shall be retained by the applicant.

Section 11.05 Fees

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

Section 11.06 Revocation

- (A) If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.
- (B) If the applicant notifies the Planning Commission within ten (10) days of the receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

Section 11.07 Appeal

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

This page left blank intentionally.

Article 12 Special Use Procedures

Section 12.01 Purpose

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses (sometimes also referred to as Special Uses). Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. This Section contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

Section 12.02 Process

(A) Procedures and Requirements. Special land use proposals shall be reviewed as follows:

- (1) Public Hearing Required.** A public hearing shall be scheduled by the Township Administration and held by the Planning Commission, with notice as required by the Michigan Enabling Act, before a decision is made on a special land use request.
- (2) Planning Commission Action.** The Planning Commission shall review the application for special land use together with the public hearing findings and reports and recommendations from the Zoning Administrator, Township Public Safety officials, and other reviewers. The Planning Commission shall then make a recommendation to the Township Board regarding the proposed special land use, based on the requirements and standards of this Ordinance. The Planning Commission may approve, approval with conditions, or deny the special land use application as follows:
 - (a) Approval.** Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the special land use.
 - (b) Approval with Conditions.** The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
 - (c) Denial.** Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall deny the special land use.
- (3) Recording of Action.** Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

- (4) **Effect of Approval.** Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.
- (5) **Zoning Board of Appeals Authority.** The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relate to specific requirements of this Ordinance, but not to the approval or denial or imposition of conditions regarding the Special Use as a whole.
- (6) **Application for a Building Permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:
- (a) Final approval of the special land use application.
 - (b) Final approval of the site plan.
 - (c) Final approval of the engineering plans.
 - (d) Acquisition of all other applicable Township, County, or State permits.
- (7) **Expiration of Special Land Use Approval.** If construction has not commenced, or if the project has commenced but has not made reasonable progress within twelve (12) months after final approval, the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of special land use approval. The Planning Commission may grant one or more extensions of up to a total of twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.
- (8) **Modification to Approved Special Land Use.** Special land use approval in accordance with provisions of this Section may subsequently be modified, subject to a revised application being submitted, including payment of a fee, which shall be equal to half the fee for the original approval, notice provided to the public as required for all Special Use applications, and subject to the following requirements:
- (a) Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures. In evaluating change in intensity of use, the Planning Commission shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
 - (b) Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.
- (9) **Special Land Use Violation.** In the event that construction or subsequent use is not in compliance with the approved special land use application, the Zoning Administrator or his/her designee shall take corrective action, unless a revised special land use application is submitted for Township review, following the normal special land use review procedures. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan, the Zoning Administrator or his/her designee may issue a citation, after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.
- (10) **Performance Guarantee.** The Planning Commission may require that a performance guarantee be deposited with the Township to ensure faithful completion of the improvements.

Section 12.03 Criteria

The request for special land use approval must meet the following general standards, as well as the more specific requirements for the applicable requested land use in Section 17.9. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

- (A) Be harmonious with and in accordance with the general principals and objectives of the Matteson Township Master Plan.
- (B) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
- (C) There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.
- (D) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse affects of such uses will minimize for occupants of that use and the occupants of surrounding areas.
- (E) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.
- (F) Natural resources are preserved by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
- (G) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
- (H) Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
- (I) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
- (J) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
- (K) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
- (L) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
- (M) Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.

Article 13 Planned Residential Development

Section 13.01 Intent and Purpose

It is the purpose of this Section to encourage more imaginative and livable housing environments within Matteson Township through a planned reduction, or averaging, of the individual lot area requirements for the A-1, A-2, R-1 and R-2 districts, PROVIDING the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Cluster/Open Space development is a form of Planned Residential Development that promotes protection and conservation of open spaces and natural areas through the clustering of residential units on smaller lots than normally required within the district in which the development is located. Under these conditions, a Special Use Permit may be issued for the construction and occupancy of a Planned Residential Development PROVIDING the standards, procedure, and requirements set forth in this Article can be complied with.

Section 13.02 Objectives

The following objectives shall be considered in reviewing any application for a Special Use Permit for Planned Residential Development.

- (A) To provide a more desirable living environment by preserving the natural amenities of the site.
- (B) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- (C) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- (D) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- (E) To encourage variety in the physical development pattern of the Township by providing a mixture of housing types.

Section 13.03 Qualifying Conditions

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Residential Development:

- (A) The Planned Residential Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
- (B) The Planned Residential Development shall meet or exceed all of the standards and requirements of Section 19.12 or the requirements of Article 21 - Site Condominium Development.
- (C) The proposed population density of the Planned Residential Development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- (D) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to Matteson Township or be set aside for the common use of home or lot owners within the Planned Residential Development under legal procedures which shall also give an association that must be formed a covenant or interest therein, so that there are assurances that the required open space shall remain open. The Township may, upon the decision of the Township Board, take over maintenance of such common land if the association is dissolved or unable to maintain the property or under other such circumstances the Board determines is in the best interest of the Township.

Section 13.04 Permitted Uses

The following uses of land and structures may be permitted within Planned Residential Developments:

- (A) Single family dwellings permitted by right, or by Special Use Permit in the A-1, A-2, R-1 and R-2 districts, subject to all applicable specified restrictions.
- (B) Two-family dwellings.
- (C) Group housing, row houses, garden apartments, town houses, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than twelve (12) dwelling units in any building or contiguous group of buildings.
- (D) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - (1) Private recreation facilities, such as golf courses, swimming pools, or other recreational facilities, which are limited to the use of the owners or occupants of the lots, located within the Planned Residential Development.
 - (2) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - (3) Customary accessory uses as permitted in residential districts.
 - (4) Group laundry facilities so long as they have been designed and located in such a manner as to serve only inhabitants of the site of the Planned Residential Districts. No advertising of any type shall be permitted with such facilities.
 - (5) Off-street parking at the rate of two (2) spaces per dwelling unit.
 - (6) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for proper maintenance of the development.

Section 13.05 Application and Review Procedures

Planned Residential Developments shall follow the application and review procedures outlined in this Section. The review procedures are intended to explicitly state the requirements at each stage of the review process. The applicant shall have the option to submit an application for approval of the Planned Residential Development at the outline stage and shall be required to submit the application at the preliminary and final development plan stages, providing the requirements at each stage are fulfilled according to this Ordinance. For Cluster/Open Space Residential development, the procedures and requirements for submitting a preliminary concept plan shall include (1), (2) and (3) below.

- (A) Pre-Application Conference.** Before submitting an application for a Planned Residential Development, an applicant at his option may confer with the Zoning Administrator to obtain procedural information.
- (B) Outline Development Plan.** An applicant may, when making application for the approval of a Planned Residential Development, submit an outline development plan as specified below. While this submittal is not mandatory, it is encouraged, to facilitate early communication and concurrence between the Township and the developer.
- (1)** An outline development plan should include both maps and a written statement and must show enough of the area surrounding the proposed Planned Residential Development to demonstrate the relationship of the Planned Residential Development to adjoining uses, both existing and proposed.
 - (2)** The maps which are part of the outline development plan may be in general schematic form, at a scale of one hundred (100) feet to one (1) inch and shall contain the following information:
 - (a)** The existing topographic character of the land with contours shown at intervals not greater than five (5) foot intervals, except that, where the land slope is less than five (5) percent, the contour interval shall be two (2) feet;
 - (b)** Existing and proposed land uses and the approximate location of buildings and other accessory structures;
 - (c)** The character, type, number, and density of dwelling units proposed;
 - (d)** The approximate location of major arterial and collector streets;
 - (e)** The location and tabulation of all public or common open space, and;
 - (f)** The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.
 - (3)** The written statement to accompany the outline development plan shall contain the following information:

- (a) An explanation of the character of the Planned Residential Development and the manner in which it has been planned to take advantage of the Planned Residential Development regulations.
- (b) A statement and legal description of the present ownership of all of the land included within the Planned Residential Development.
- (c) A general indication of the expected schedule and/or phase of development.
- (d) A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

The Township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one (1) for each five (5) acres of open space dedicated for public use.

(C) For Cluster/Open Space Planned Residential Developments, the following process will be required for review and approval of the preliminary development plan.

- (1) The information identified in Section 19.5 one (1) and two (2) will be required. Where the Township perceives conflicts exist, the requirements of this subsection will be applied.
- (2) The developer will be required to submit an existing features site analysis identifying the site's special natural features to be preserved as open space. The analysis will contain 1) a topographic contour map based upon five (5') foot intervals, 2) the location of constraining features, such as wetlands, watercourses, 100 year floodplains, rights-of-way and easements and, 3) location of significant features such as tree lines, woodlands, scenic views, watershed divides, drainage ways, existing roads and structures. A general soils map of the site based upon the USDA Soils Inventory of Branch County shall also be submitted. As an option, the Planning Commission may conduct an on-site visit to walk the site and become familiar with the setting and special features.
- (3) The developer will then be required to submit a conceptual preliminary plan that describes initial thoughts about the overall layout of the proposed development, including location for house sites, greenways, and roads as well as conservation areas. The Planning Commission shall review and approve, disapprove, or approve with conditions the conceptual preliminary plan.
- (4) The conceptual preliminary plan shall be developed according to the following five- step process:

- (a) All potential open space/conservation areas shall be identified. Those areas shall be divided into a) Primary and b) Secondary. Primary conservation areas will consist of special features, such as wetlands, floodplains, and soils susceptible to slumping. Secondary conservation areas shall comprise fifty (50) percent of the remaining area of the site and include the most noteworthy natural, scenic and cultural resources.
 - (b) The developer shall calculate the number of units that would be allowed on the site considering the minimum lot size requirements of the district in which the site is located. This determination shall be based upon the following formula: Gross site area minus area designated as Primary Conservation minus twenty (20) percent for streets and roads = net buildable area. Net buildable area divided by minimum lot size = maximum number of allowed lots. The number of allowable building lots may be increased within a cluster/open space design by fifteen (15) percent if no public water and/or sewer utilities will be available within the site and by twenty-five (25) percent, if public water and/or sewer facilities will be available. This “density bonus” calculation may be used as the basis for identifying the number and location of houses proposed for the site.
 - (c) Potential house sites shall be identified. These should be located not closer than one hundred (100) feet to the boundary of a Primary Conservation Area or fifty (50) feet to the boundary of a Secondary Conservation Area.
 - (d) Street and lot layout shall be identified. Streets shall be designed to provide access to each house in the most reasonable and economical fashion possible. Streets shall avoid, as much as possible, impacting primary conservation features. Streets shall be designed to minimize the amount of area devoted to road surface while providing access to all houses and to maximize the views of open space from each house.
 - (e) Lot lines shall be drawn between house footprints, meeting the required lot sizes and setbacks as identified in the Zoning Ordinance, as adjusted to conform to the density bonuses identified in (2) above.
- (5) Prior to acceptance of the Conceptual Preliminary Plan by the Planning Commission, the applicant shall submit a preliminary engineering certification that the approximate layout of proposed streets, house lots, and open space lands complies with the Township’s zoning, street and drainage ordinances.
 - (6) Maintenance of Common Open Space: common open space within the development will be maintained by the developer or homeowners association, unless the Township accepts such responsibility under Section 19.3.
 - (7) The Township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one (1) for each five (5) acres of open space dedicated for public use.
- (D) Approval of Outline Development Plan.

- (1) Within a maximum of sixty (60) days after the receiving of the outline development plan, the Planning Commission shall forward the plan to the Township Board with a written report recommending that the outline plan be approved or disapproved or approved with modifications, and giving the reasons for these recommendations.
- (2) The Township Board shall give notice of a public hearing to be held on the plan before the Township Board, the hearing to be held not more than sixty (60) days after the receipt of the Planning Commission's report. After the hearing, the Township Board shall approve, disapprove or approve with modifications the outline development plan subject to the submission of a final development plan as required by this Article.
- (3) Although the outline development plan is approved or approved subject to modifications, no building permits may be issued on land within the Planned Residential Development until the final development plans for the total project area have been approved by the Planning Commission under the procedures required by this Article.
- (4) Concurrent Application: An application for a Planned Residential Development may be processed, noticed and heard by the Planning Commission concurrently with an application for a proposed subdivision or re-subdivisions of the same property pursuant to the Subdivision Control Ordinance of Matteson Township and the Michigan Land Division Act.

(E) Preliminary Development Plan.

- (1) An applicant seeking approval of the Planned Residential Development shall submit a preliminary development plan at either of the following times:
 - (a) If no outline development plan has been submitted and approved, at the time of application;
or
 - (b) If an outline development plan has been approved, within six (6) months following its approval. However, the Planning Commission may, upon written request of the applicant, extend for three (3) months the period for the filing of the preliminary development plan.
- (2) The preliminary development plan shall include all the following required information:

- (a) A map showing the entire street system of arterial, collectors and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
 - (b) A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric, gas, cable and telephone lines.
 - (c) Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
 - (d) A lot plan and statistical tabulation for the entire Planned Residential Development of all the land uses proposed and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.
 - (e) A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
 - (f) Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
 - (g) A plan showing the general location of trees and plantings.
 - (h) A development schedule indicating 1) the approximate date when construction of the project can be expected to begin, 2) the stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin, 3) the approximate dates when the development of each of the stages in the development will be completed, and 4) the area and location of common open space that will be provided at each stage.
 - (i) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
 - (j) Any additional statements, plans and diagrams may be required insofar as the Planning Commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities, including sewer and water facilities, or any other factors; and
 - (k) If no outline development plan has been filed, the preliminary plan must contain the written statement required by Section 19.5 (2)(c) and must include enough of the area surrounding the proposed Planned Residential Development to show the relationship of the Planned Residential Development to adjacent uses, both existing and proposed.
- (F) Approval of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the submitted and approved outline development plan and to determine if it complies with all other standards required under this Ordinance for Site Plan Review and Special Land Use.

- (1) If no outline development plan has been submitted and approved, the preliminary development plan shall be considered for approval under the procedures provided within this Ordinance for Site Plan Review and Special Land Use.
- (2) If an outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Planning Commission. The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard to each of the following:
 - (a) Any person who is on record as having appeared at the hearing on the outline development plan; and
 - (b) Any other person who has indicated to the Planning Commission in writing that he/she desires to be notified;
 - (c) Property owners within three hundred (300) feet of the lot lines of the proposed project.
- (3) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the preliminary development plan is not in substantial compliance with the submitted and approved outline development plan. The preliminary development plan shall be deemed in substantial compliance with the approved outline plan, provided any modification by the preliminary application of the Planned Residential Development does not involve a change of one or more of the following:
 - (a) Violate any provision of this Article;
 - (b) Vary the lot area requirement by more than ten (10) percent;
 - (c) Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space; and
 - (d) Increase the total ground area covered by buildings by more than five (5) percent.

(G) Approval of Final Development Plan.

- (1) Within a maximum of six (6) months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the information required under this Ordinance for Site Plan Review and Special Land Use. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final development plan.
- (2) The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard on the final development plan to:
 - (a) Any person who is on record as having appeared at the hearing on the preliminary development plan or at the hearing on the outline development plan, and
 - (b) Any other person who has indicated to the Planning Commission in writing that they desire to be notified.
- (3) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the final development plan is not in substantial compliance with the submitted and approved preliminary development plan. The final development plan shall be deemed in substantial compliance with the approved preliminary plan, provided any modification by the applicant of the Planned Residential Development does not involve a change of one or more of the following:

- (a) Violate any provision of this Article;
 - (b) Vary the lot area requirement by more than ten (10) percent;
 - (c) Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space;
 - (d) Increase the total ground area covered by buildings by more than five (5) percent.
- (4) The Planning Commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Township Clerk shall record the final development plan in the manner provided for recording plats or subdivisions.
- (5) The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.
- (6) Prior to the granting of any Planned Residential Development, the Planning Commission may recommend, and the Township Board may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Residential Development as the Township Board deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this Ordinance. An escrow agreement and account approved by the Township Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred and twenty-five (125) percent of the estimated construction cost and engineering. The Project Engineer and Matteson Township acting through the Township Supervisor may disperse these funds upon certification. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

Section 13.06 Control of Planned Residential Development Following Final Approval

- (A) The Township Board shall issue a certificate certifying the approval of the Planned Residential Development, and the Township Clerk shall note the issuance of the certificate on the recorded final development plan.
- (B) After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Residential Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.
- (C) After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:

- (1) Minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cube content of any building or structure by more than ten (10) percent;
 - (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
 - (3) Changes in the use of common open space may be authorized by an amendment to the final development plan.
- (D) No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Residential Development, and all rights to enforce these covenants against any changes permitted by this Ordinance are expressly reserved.

Section 13.07 Lot Size Variation Procedure

The lot area for a Planned Residential Development within the A-1, A-2, R-1 or R-2 districts may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures:

- (A) Site Acreage Computation.** The gross acreage proposed for a Planned Residential Development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed Planned Residential Development is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure.

Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.

- (B) Maximum Number of Lots and Dwelling Units.** After the total gross area is determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a Planned Residential Development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the Planned Residential Development is located.

- (1) The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty (20) percent. This percentage shall apply regardless of the amount of land actually required for street right-of-way.
- (2) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.

- (C) Permissive Minimum Lot Area.** Notwithstanding other procedures set forth in the Section, lot areas within Planned Residential Developments shall not be varied or reduced below the following minimum standards:

- (1) **One-Family Detached Dwelling Units.** Twenty-four thousand (24,000) square feet within the A-1 and A-2 districts, fifteen thousand (15,000) square feet within the R-1 district and 6,000 square feet in the R-2 district.
- (2) **Two-Family Dwellings.** Twenty thousand (20,000) square feet within the R-1 District and six thousand (6,000) square feet in the R-2 District.
- (3) Residential lots where not served by a public water system but served by public sanitary sewer service, shall not be less than ninety (90) feet wide at the building line, nor less than twelve thousand (12,000) square feet in area, except within the R-2 District, where lots may not be less than sixty (60) feet wide at the building line, nor less than six thousand (6,000) square feet in area.
- (4) Residential lots served by neither public water nor a public sewer system shall not be less than one hundred (100) feet wide nor less than fifteen thousand (15,000) square feet in area, except for lots within the R-2 District, where lots may not be less than sixty (60) feet wide nor less than six thousand (6,000) square feet in area.
- (5) Where a "cluster" residential development is proposed, minimum lot widths and minimum lot sizes may be reduced by up to twenty (20) percent, except within the R-2 District, provided the amount of land representing the difference between the required lot sizes and the reduced lot sizes is allocated to common open space or parkland.

(D) Permissive Minimum Yard Requirements. Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

- (1) **Front Yard.** Twenty (20) feet for all dwellings PROVIDED that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.
- (2) **Side Yard.** Seven (7) feet on each side for all one and two-family dwellings, PROVIDED that there shall be minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.
- (3) **Rear Yard.** Ten (10) feet for all dwellings, PROVIDED that rear yard requirements may be varied after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.

(E) Maximum Permissive Building Height. Two and a half (2 ½) stories, but not exceeding thirty-five (35) feet. Accessory building shall not exceed a height of fifteen (15) feet.

Section 13.08 Open Space Requirements

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or homeowners within the development, or shall be dedicated to Matteson Township or as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Residential Development:

- (A) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a homeowners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that an open space easement for said land shall be conveyed to Matteson Township to assure that open space land shall remain open.
- (B) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Master Plan of Matteson Township and PROVIDED further that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.
- (C) It is the intent of this Section that in cases where option (2) above is determined to be in the best interest of the community, that the owners or developers of the Planned Residential Development shall not be compelled or required to improve the natural condition of the open space land.

Section 13.09 Planned Residential Development in More Than One Zoning District

Where a Planned Residential Development is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the Planned Residential Development.

Section 13.10 Perimeter Setback Requirements

In all Planned Residential Developments that abut property that permits developments of less intensity than permitted by the Planned Residential Development, a peripheral transition area shall be incorporated in the Planned Residential Development that provides development similar in density and character as that existing or permitted on the abutting land. For the purpose of the Section, the Planning Commission and Township Board shall have the authority to determine the extent and development of the transition area.

Section 13.11 Subdivision and Resale

- (A) If the subdivision or re-subdivision of an approved Planned Residential Development will create a new plat line, the applicant shall make application to the Planning Commission for the approval of the subdivision or re-subdivision plat. The Planning Commission and Township Board shall approve the subdivision or re-subdivision if each section of the subdivided or re-subdivided Planned Residential Development meets the provisions of this Ordinance, governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act.
- (B) All lots of a subdivided or re-subdivided Planned Residential Development are to be controlled by the final development plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable. The provisions of Sections 19.6(3) and 19.6(4) covering changes in the final development plan will apply.

Section 13.12 Development Standards

The following standards are intended to apply to Planned Residential Development projects within Matteson Township.

- (A) Streets

- (1) The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
- (2) Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Township Board may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (3) All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.
- (4) If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.
- (5) No street names shall be used which will duplicate or be confused with the names of existing streets.
- (6) Local streets shall have a fifty (50') foot right-of-way Collector streets shall have a sixty-six (66') foot right-of-way Arterial streets shall have an eighty (80') foot right-of-way.
- (7) The Township Board may determine the necessity for declaring some streets in the Plat to be collector or major streets.
- (8) Permanent cul-de-sac streets shall not be longer than eight hundred (800) feet in length and shall be provided at the closed end with a paved circular turnaround area having an outside diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet in residential districts. The Township Board may require larger rights-of-ways in industrial or commercial districts, depending upon anticipated uses. Temporary dead end streets shall be provided at the closed end with a turn-around constructed to the full width of the right-of-way and in accordance with applicable specifications.
- (9) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (10) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- (11) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (12) Half streets, except where it is essential to the reasonable development of the subdivision, are prohibited.

(B) Blocks

- (1) The maximum lengths of blocks shall be fifteen hundred (1,500) feet measured between the center lines of intersections, except as follows:

- (a) In subdivisions where the width of lot at the building line is two hundred (200) feet or more, the block length may be up to two thousand (2,000) feet.
- (b) Under extreme topographical conditions, the Township Board may approve blocks exceeding the fifteen hundred (1,500) foot maximum length, but in no case shall the length exceed two thousand (2,000) feet.

(C) Easements

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the Township Board, and shall have a minimum total width of twelve (12) feet.
- (2) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.

(D) Lots

- (1) The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) Lot dimensions shall conform to the requirements of this Zoning Ordinance, including lot size variations as permitted in Section 19.7(3).
- (3) Corner lots for residential use shall have sufficient width to permit appropriate building setback from, and orientation to, both streets.
- (4) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to all existing public streets.
- (5) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (6) Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
- (7) If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half ($\frac{1}{2}$) of the minimum required lot width at the building line on an existing or an approved dedicated public road.
- (8) A plat having riverfront or stream front lots should include a statement that the lot lines extend to the water's edge regardless of the fluctuation in the water level.

(E) Utility and Street Improvements

- (1) The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the Township.

- (a)** Roads, including such related improvements as required in this Ordinance.
- (b)** Storm water drainage as required in this Ordinance. If storm sewers are not feasible, then leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the Township and well-established engineering practices and approved by the Township Engineer.
- (c)** Water supply and sanitary sewer. Every portion of a subdivision shall be supplied with adequate water and sanitary sewer facilities. Public water and sanitary sewer facilities shall be provided in all plats to which such facilities are determined reasonably available by the Township Board.
- (d)** Sidewalks may be provided as required in Subsection (2)(b).
- (e)** Pedestrian ways may be required within public easements, as determined by the Planning Commission.
- (f)** Provision for underground utilities.
- (g)** Street and/or pedestrian scale lighting, of a type and location approved by the Township Engineer, shall be provided.

Article 14 Site Condominium Development

Section 14.01 Intent

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board. This Article is intended to regulate condominium projects that will include only one-family detached dwellings.

Section 14.02 Purpose

The purposes of these condominium regulations are to:

- (A) Provide for orderly growth and harmonious development within Matteson Township;
- (B) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;
- (C) Achieve individual property sites of maximum utility and liability;
- (D) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- (E) Secure adequate provisions for recreational areas, school sites and other public facilities.

Section 14.03 Definitions

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- (A) Administrator refers to the Zoning Administrator of Matteson Township.
- (B) "Condominium Act" means Act 59 of 1978, as amended.
- (C) "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- (D) "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- (E) "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- (F) "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

- (G) "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (H) "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- (I) "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (J) "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (K) "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
- (L) "Lot" shall mean the same as "Homesite" and "Condominium Unit."
- (M) "Master deed" means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- (N) "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
- (O) "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

Section 14.04 Review Process

- (A) Preliminary Investigation.
 - (1) Prior to the preparation of the condominium subdivision plan, the condominium project developer may wish to meet informally with the Zoning Administrator to investigate the procedures and standards of the Township with reference to the condominium project, the provisions of the Township Comprehensive Plan, and Zoning Ordinance regulations which affect the area in which the proposed condominium project is located. A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.
 - (2) It is the responsibility of the condominium project developer to:
 - (a) Be familiar with all applicable provisions of these Codified Ordinances and the Township construction standards;
 - (b) Investigate the adequacy of existing schools and public open spaces; including parks and playgrounds, to serve the proposed project;
 - (c) Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;

- (d) Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the Township and the health standards of the County and the State; and
- (e) Review the applicable State laws.

(B) For cluster/open space site condominium developments, the standards and requirements of Section 19.5 (3) shall be applied.

(C) Review Procedure

(1) **Planning Commission recommendation.** The first step of the review process consists of a review of the condominium subdivision plan and a recommendation by the Planning Commission after an administrative review has been accomplished by the appropriate departments of the Township and County. This procedure is intended to survey all existing and proposed conditions pertaining to the development of the property.

(2) **Township Board review and tentative approval.** The second step of the review process consists of a review and approval by the Township Board, after receiving the recommendation from the Planning Commission and the Zoning Administrator's report as specified under Section 21.6 (3), including recommendations. This stage is intended to provide the developer with an assurance that the preliminary concepts of the plan are acceptable and that detailed engineering may proceed.

(3) **Final approval and acceptance of detailed engineering plans by the Township Board.** Final approval of the condominium subdivision plan may be granted by the Township Board. This step consists of final acceptance of the detailed plans for all improvements within the proposed project. Upon the granting of such approval by the Township Board construction of the project may begin. Approval of the project engineering plans shall be effective for a period of two (2) years from the date of approval.

(4) **Final condominium project; acceptance of dedicated improvements by the Township Board.** This is the actual acceptance of the constructed improvements within the project by the Township Board. Upon the approval of the final plan by the Township Board, subsequent approval shall follow the procedures set forth in this Article and applicable State laws.

(D) **Initial Information.** Concurrently with notice required to be given Matteson Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

(1) Seven (7) copies of the condominium subdivision plan pursuant to Section 66 of the Act together with an 11" x 17" reduced reproduction of the site plan and a written application shall be submitted to the Zoning Administrator for processing. Planning review fees are due and payable with the submission.

(2) The condominium subdivision plan should include, in addition to the contents required in Section 21.5:

(a) The proposed name of the condominium.

(b) The name, address and telephone number of:

- (3) 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).
 - (4) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (5) The developer or proprietor of the condominium project.
 - (6) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - (7) The acreage content of the land on which the condominium project will be developed.
 - (8) The purpose of the project (for example, residential, commercial, industrial, etc.).
 - (9) Approximate number of condominium units to be developed on the subject parcel.
- (E) **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.
- (F) **Site Plans.** New Projects Master Deed, and Engineering and Inspections:
- (1) Prior to recording the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Sections 17.2 through 17.8 of this Ordinance.
 - (2) In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and Township Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

Section 14.05 Condominium Subdivision Plan - Required Contents

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

- (A) **Existing conditions.** The condominium subdivision plan shall include:
- (1) An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch equals two hundred (200) feet;
 - (2) The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;
 - (3) Property lines of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;

- (4) The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for the condominium project, including those located across abutting roads;
- (5) The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for the condominium project;
- (6) The topography drawn as contours with an interval of not more than two (2) feet. Elevations shall be based on United States Geological Survey data; and
- (7) Base flood elevation data, for a condominium proposal that is lying within a flood hazard area as identified by the Flood Insurance Study for the Township. Base flood elevation shall indicate the anticipated high water level during a flood having a one percent chance of being equaled or exceeded in any given year;
- (8) Significant natural and man-made features which could influence the layout and design of the condominium proposal;
- (9) The school board or school board superintendent shall be informed and made known of the proposed condominium project by the proprietor and/or Township.

(B) Proposed conditions. The condominium subdivision plan shall include:

- (1) The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the County Road Commission;
- (2) The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
- (3) An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;
- (4) An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed condominium project;
- (5) An indication of the system proposed for sewage by a method meeting the requirements of the Township Board and the Michigan Department of Environmental Quality.
- (6) An indication of the system proposed for water supply by a method meeting the requirements of the Township Board and the Michigan Department of Health; and
- (7) An indication of the storm drainage method and the disposal area;
- (8) In a case where the developer wishes to develop a given area but wishes to begin with only a portion of the total area, the plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly super-imposed upon the overall plan in order to illustrate clearly the method of development which the developer intends to follow.

Section 14.06 Review by Planning Commission

- (A) The Township Clerk shall send a notice to the developer and the owners of property abutting the property to be developed, including the land across adjacent streets, of the receipt of the plan and the time and place of the meeting of the Planning Commission to consider such plan. Such notice shall be sent by first class mail not less than ten (10) days before the date fixed for the meeting.
- (B) The Administrator shall transmit copies of the condominium subdivision plan to the Township Engineer and the Fire Department, for technical review and recommendation. Each Department shall prepare comments and recommendations in writing.
- (C) A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (2) above. This report shall be submitted to the Planning Commission for its deliberation.
- (D) The Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the Township Comprehensive Plan and within the standards of this Article and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Section 19.12. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.
- (E) The Commission shall recommend to the Township Board approval or disapproval of the plan, and a copy of the minutes containing the Commission's recommendation and all accompanying material shall be forwarded to the developer and the Township Board.

Section 14.07 Township Board Review and Tentative Approval

The procedure for the Township Board review and tentative approval is as follows:

(A) Review.

- (1) The Township Board shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, the Township Board shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.
- (2) Preliminary approval of the plan shall not constitute final approval.

(B) **Approval.** Tentative approval by the Township Board of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by the Township Board.

(C) If the Township Board approves the plan, it shall make a notation to that effect on each copy of the plan, and the Township Clerk shall distribute copies of the same as follows:

- (1) Return one copy to the developer.
- (2) Return one copy to the Planning Commission, which copy shall become a matter of permanent Township record.
- (3) Return one copy to the developer's surveyor.

(D) If the Township Board approves the condominium subdivision plan, the Township Clerk shall inform:

- (1) The developer of the name and address of the permit holder operating a cable communications system in the vicinity of the proposed condominium project.
- (2) The cable communications system permit holder in the Township of the proposed condominium project submitted by the developer.

(E) If the condominium subdivision plan is disapproved by the Township Board, the reasons shall be given to the developer with recommendations, if any.

Section 14.08 Site Plans - Expandable or Convertible Projects

The procedure for submittal and final approval of the condominium subdivision plan that is an expandable or convertible condominium project, and final approval of the detailed plans for all improvements within the proposed expandable/convertible condominium project shall be:

(A) Filing

- (1) Nine (9) copies of the condominium subdivision plan, containing all of the information of Section 66 of the Act as well as conforming to the requirements of the Department of Commerce Corporation and Securities Bureau Condominium Regulations, together with an 11" x 17" reduced reproduction of the plan and a written application shall be submitted to the Zoning Administrator at least ten (10) working days prior to the regular Planning Commission meeting, which meeting shall be considered as the date of filing.
- (2) The Administrator shall transmit copies to the Township Engineer and the Fire Department. Review fees are payable with such submission. Such fees may include the Township's cost to retain a consulting engineer for final inspection of public improvements as identified in Section 21.12.
- (3) The developer shall also submit five (5) sets of detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures. These shall be distributed to the Township Engineer and Fire Department.
- (4) The plan submitted for final approval shall conform substantially to the condominium subdivision plan as tentatively approved, and it may constitute only that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws.
- (5) When the complete set of plans is approved, one (1) set of plans shall be provided to the Township before construction may begin.
- (6) Plans submitted shall be on twenty-four (24) inch by thirty-six (36) inch white prints having blue or black lines.

- (7) For projects having more than one (1) sheet of plans, a general plan having a scale of one (1) inch equals one hundred (100) feet shall be provided showing the overall project and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two (2) foot contours of the area outside the boundaries of the proposed project to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one (1) inch equals forty (40) feet.
- (8) All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.
- (9) Elevation shall be based on United States Geological Survey data. There shall be at least one (1) bench mark established within the site and which shall be shown on each plan sheet.
- (10) Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
- (11) When construction plans are submitted to the Township for approval, they shall include all proposed construction within the project. All required improvements shall be shown to the boundaries of the project, unless otherwise approved by the Zoning Administrator. A complete plan shall generally include sanitary sewers, water mains, storm sewers and paving. A single plan submittal cannot be approved without all other utilities shown.
- (12) When the complete set of plans is approved, one (1) set of plans shall be provided to the Township before construction may begin.

(B) Review

- (1) The detailed working drawings and calculations shall be reviewed by the Township Engineer and the Fire Department for compliance with the Township Ordinances, the Township construction standards and any other applicable codes and ordinances.
- (2) The condominium subdivision plan shall be reviewed by the Zoning Administrator for compliance with the tentatively approved plan, the Township Comprehensive Plan, this Zoning Ordinance and any other applicable regulations.
- (3) A report shall be prepared and submitted to the Planning Commission by the Zoning Administrator, said report shall include Zoning Administrator, Township Engineer and Fire Department comments and recommendations on the drawings/plans.

(C) Final approval and acceptance of engineering plan.

- (1) The Township Board shall take action on the condominium subdivision plan upon receipt of the Engineer's report and Zoning Administrator recommendations, within twenty (20) days of the submission of all necessary approved documents.
- (2) If the plan conforms substantially to the plan tentatively approved by the Planning Commission, meets all conditions laid down for final approval and has been approved by the necessary agencies, the Township Board shall approve the engineering plans.

- (3) The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.
- (4) The Township Clerk shall promptly notify the developer of approval or rejection of the condominium subdivision plan in writing. If rejected, reasons shall be given.
- (5) Approval of the plan shall be effective for a period of two (2) years from the date of approval. The two (2) year period may be extended if applied for by the developer and granted by the Township Board in writing.
- (6) No installation or construction of any improvement shall be made before the plan has received final approval by the Township Board and before the engineering plans have been certified to conform to township construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

Section 14.09 Monuments Required - Site Condominium Projects

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

- (A) Monuments shall be located in the ground and made according to the following requirements, but 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 side lines of the streets.
- (B) Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- (C) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- (D) If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, 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.
- (E) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (F) All required monuments shall be placed flush with the ground where practical.
- (G) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.

- (H) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to Matteson Township, whichever the proprietor selects, in an amount to be determined by the Township Board. Such fee shall be assessed on a "per monument" basis and include a "not to exceed" amount for the total number of monuments. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 14.10 Final Condominium Project: Acceptance of Public Improvements by Township Board

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

(A) Filing

- (1) One mylar copy and three prints of the final condominium plan and 11" x 17" reduced reproduction of the condominium subdivision plan shall be filed by the developer with the Zoning Administrator.
- (2) One mylar copy and a paper print of "as-built plans" for utilities and other improvements shall be filed by the developer with the Administrator.
- (3) The project shall comply with provisions of any applicable State laws and this Article.
- (4) The developer shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.
- (5) The developer shall submit copies of receipts from the Township Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
- (6) Submission of the plan shall constitute an offer of all public improvements for the Township Board acceptance.
- (7) The Township Board shall review all recommendations and take action on the approval and acceptance of all public improvements within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.
- (8) Developer shall submit copies of lien waivers from all contractors and sub- contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.
- (9) Encroachment of one (1) condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- (10) The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.

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

(B) Review

- (1) The improvements shall be reviewed by the Zoning Administrator as to compliance with the approved condominium subdivision plan and approved engineering plans for utilities and other improvements.
- (2) The project and public improvements shall conform substantially to the plan as approved.
- (3) The Zoning Administrator shall certify that inspection during construction has been conducted in accordance with the requirements of Section 21.12.
- (4) A report shall be prepared by the Zoning Administrator, including recommendations for either approval or rejection of the project.

(C) Approval

- (1) Upon the approval and acceptance of public improvements by the Township Board the Township Clerk shall inform the developer.
- (2) The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of the Township Board, the Board's approval and the date of the approval.
- (3) A mylar copy of the condominium subdivision plan and as-built plans shall be filed with the Township as record.

Section 14.11 Completion of Improvements

- (A) Before the acceptance of public improvements by the Township Board, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to Matteson Township free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (B) In lieu of completion of all improvements and with specific consent of the Township Board, acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the Township a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable to the Township, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the Township as sufficient to secure to the Township the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred twenty-five (125) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Township Attorney as to form, sufficiency and manner of execution as set forth in this Ordinance.

- (C) The developer shall build and pay for all costs of temporary improvements required by the Township Board and shall maintain the same for the period specified by the Township Board.
- (D) All required improvements shall be made by the developer at his or her expense without reimbursement by the Township.
- (E) If the required improvements are not completed within the time period specified by the Township Board, the Township may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time of the guaranty.

Section 14.12 Inspection of Public Improvements

- (A) The Township may retain an Engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees in Section 21.8 If the Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the Township construction standards or the requirements of the Township Board, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.
- (B) Certification required, reduction of surety.
 - (1) The Township Board shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the Township Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the Township's Engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the Township, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, the Township Board may accept the public improvements for conveyance in accordance with the established procedure.
 - (2) The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten (10) percent of the principal amount before final acceptance of all public improvements by the Township Board.

Section 14.13 Late Completion of Improvement/Temporary Occupancy

- (A) Whenever, by reason of the season of the year, any improvement required cannot be performed, the Zoning Administrator may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the Township for the cost of such improvement. Such funds shall be deposited with the Township. The surety covering such lot improvement shall remain in full force and effect.

- (B) All required improvements for which a bond has been accepted by the Township at the time of issuance of the certificate of occupancy, shall be installed by the developer within one (1) year. If the improvement has not been properly installed at the end of such time period, the Zoning Administrator and Zoning Administrators shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement is not installed within such a two (2) week period, the Building and Zoning Administrator may then request the Township Board to authorize the Township to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the Township, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one (1) year if the same has not been duly installed by the developer.

Section 14.14 Issuance of Zoning Code Building Permits

- (A) No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by the Township Board have been fully completed and conveyed to the Township and accepted by the Township Board.
- (B) No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the Township and acceptance of the improvements by the Township Board, except as provided in Section 21.13.

Section 14.15 Maintenance of Public Improvements

- (A) The developer shall file a maintenance bond with the Township prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the Township Attorney, in order to assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two (2) years after the date of their acceptance by the Township Board.
- (B) The applicant shall maintain all public improvements within the project until acceptance of such public improvements by the Township Board.

This page left blank intentionally.

Article 15 Zoning Board of Appeals

Section 15.01 Creation and Membership

There is established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Section 18 of Act 184 of the Public Acts of 1943, Township Zoning Act, as amended, and in such a way that the objectives of this Ordinance are observed, public safety secured, and substantial justice done. The Board shall consist of three (3) regular members appointed by the Township Board. The first regular member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members and any alternate members of the Board of Appeals shall be selected from the electors of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board, but shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township board may not serve as a member of the Township Board of Appeals.

The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular 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 Zoning Board of Appeals.

A member of the Board of Appeals may be removed by the Township board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes misconduct in office.

Terms shall be for three (3) years, except for members serving because of their membership on Planning Commission or Township Board whose terms shall be limited to the time they are

members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term.

A Township Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

Section 15.02 Officers

The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

Section 15.03 Meetings, Records and Procedures

(A) Meetings. Meetings shall be open to the public and shall be held at the call of the chair and at such other times as the board shall specify in its rules of procedure.

- (B) Records.** Minutes shall be recorded of all proceedings, which minutes shall contain evidence and data relevant to each case considered and the final disposition of each case. Such minutes shall accompany and be attached to the standard form required of the person appealing as a part of the Board's permanent records, which shall be filed in the office of the Township Clerk and shall be a public record.
- (C) Procedure.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting properly. These rules shall be a public record.
- (D) Vote.** The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or body of the Township, or to decide in favor of the applicant any matter upon which the Board is required to pass under or to effect any variation in an ordinance adopted under the Act.
- (E) Hearings.** Not less than fifteen (15) days prior to hearings, notice of the hearing shall be given to all parties in interest. Notices shall contain the time, place, and object of the hearing.

Section 15.04 Appeals, How Taken

- (A) Time Limit.** Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within ten (10) days after the date of the Zoning Administrator's or body of the Township's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms.
- (B) Duties of Zoning Administrator.** The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken.
- (C) Who May Appeal.** Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- (D) Stays of Proceedings.** An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

Section 15.05 Fee

Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.

Section 15.06 Jurisdiction

The Board of Appeals, upon proper application of appeal, shall act upon all questions, as they may arise, in the administration of this zoning ordinance, including the interpretation of the zoning map.

Section 15.07 Duties

The Board of Appeals, upon proper application of appeal, shall have the duty to act on those matters where this Ordinance provides for an administrative review, and interpretation, of a variance.

Section 15.08 Powers of The Board of Appeals

The Board of Appeals upon proper application or appeal, shall have the power to make final determinations, either permitting or refusing permission to do something that is, or is not, in accord, respectively, with the provisions of this Ordinance, within its jurisdiction and duties prescribed, and which are within its scope of limitations. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals. It shall also have the power, where such difficulties exist, to vary or modify any of its rules, regulations or provision relating to the construction, structural changes in, equipment or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of this Ordinance shall be observed, the health, safety and welfare of the public be secured, and substantial justice be maintained.

Section 15.09 Limitations

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, nor to prohibit a use which is permitted in this Ordinance, nor may it determine the validity of this Ordinance.

Section 15.10 Review

The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.

Section 15.11 Interpretation

The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:

- (A)** So as to carry out the intent and purposes of this Ordinance.
- (B)** To determine the precise location of the boundary lines between zoning districts; or,
- (C)** To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

Section 15.12 Variances

The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, as specified in this ordinance PROVIDED all the basic conditions listed and any ONE of the SPECIAL conditions listed thereafter can be satisfied.

(A) Basic Conditions.

- (1)** Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
- (2)** Shall not permit the establishment within a district of any use which is not permitted by right within that district.

- (3) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- (4) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of general regulations for such conditions reasonably practical.
- (5) Will relate only to property which is under the stated ownership and control of the applicant.
- (6) Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity.

(B) Special Conditions. Special conditions for the granting of a variance shall include any one of the following clearly demonstrated conditions after all basic conditions have been satisfied, when applied to the applicant's use and when there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of use of that particular parcel of land.

- (1) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that did not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.
- (2) Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(C) Rules for Granting of Variances. The following rules shall be applied in the granting of variances.

- (1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.
- (2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six (6) months after the granting of the variance.
- (3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- (4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to ensure compliance with the requirements, specifications and conditions imposed with the grant of variance.

Article 16 Amendments and Rezonings

Section 16.01 Amending the Ordinance or Map

(A) Initiation of Amendment. The Township Board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

(B) Application for Amendment. A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information. These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

- (1) Applicant's name, address, and telephone number.
- (2) Scale, north point, and dates of submittal and revisions.
- (3) Zoning classification of petitioner's parcel and all abutting parcels.
- (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
- (5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- (6) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys, both public and private.
- (7) General location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- (8) All existing and proposed easements.
- (9) Location of sanitary sewer or septic systems, existing and proposed.
- (10) Location and size of water main, well sites, and building services, existing and proposed.
- (11) **Optional Conditional Rezoning (CR) Agreement:** A CR Agreement, which is voluntarily offered by the applicant (or designee), may be submitted. If submitted, the Agreement shall set forth the Rezoning Conditions, together with any other term mutually agreed upon by the parties, including the following terms:
 - (a) Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the CR Agreement.

- (b) Agreement and acknowledgement that the conditions and CR Agreement are authorized by all applicable state and federal laws and constitution, and that the CR Agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
- (c) Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan and CR Agreement.
- (d) Agreement and understanding that the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and the Township, and their respective heirs, successors, assigns, and transferees.
- (e) Agreement and understanding that, if a conditional zoning expires in the manner provided in this Section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
- (f) Agreement and understanding that each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
- (g) Any other agreement voluntarily proposed by the applicant (or designee) that is consistent with all applicable state and federal laws and is agreed to by the Township.

(C) Review Procedures. After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

- (1) **Planning Commission Review.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Michigan Public Act 110 of 2006, as amended, and schedule a public hearing for the request on the next available Planning Commission agenda.
- (2) **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.
- (3) **Action by the Township Board.** The Township Board may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Township Board may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it. If the Township Board does not take any action to resolve a petition for rezoning after public hearing within six (6) months beginning with the initial day of filing, the petition shall be determined to have been denied.

- (4) Review Considerations.** The Planning Commission and Township Board shall at minimum, consider the following before taking action on any proposed amendment.
- (a) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
 - (b) Will the proposed amendment further the comprehensive planning goals of the Township as reflected in the Master Plan?
 - (c) Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
 - (d) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
 - (e) Will the amendment result in unlawful exclusionary zoning?
 - (f) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
 - (g) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
 - (h) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
 - (i) If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
 - (j) Will the proposed amendment be consistent with the purposes of this Ordinance and, in particular, will the proposed amendment promote the public health, safety and welfare?
- (5) Notice of Record of Amendment Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.
- (6) Effects of Approval of a Conditional Rezoning Agreement.** If a Conditional Rezoning Agreement has been approved, the use of property in question shall conform to all regulations governing development and use in the zoning district to which the property has been rezoned, subject to the following:
- (a) Development Subject to Conditional Rezoning Requirements.** Development and use of the property shall be subject to the more restrictive requirements specified on the CR Plan, in the Rezoning Conditions and in the CR Agreement, required as part of the Conditional Rezoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
 - (b) Site Plan Review and Other Approvals Required.** Approval of the CR Plan and Agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR Plan. Site plan, special land use, plat, and condominium approval, as appropriate, shall be required, pursuant to procedures in Article 17.00, prior to any improvements to the property.

(i) Any use or development proposed as part of any offer of conditions that would require a variance under the terms of this Ordinance 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 Ordinance.

(c) **Recording and Publication of CR Agreement.** A conditional rezoning shall become effective following publication in the manner provided by law, and, after recordation of the CR Agreement, whichever is later.

(D) **Referendum.** Within thirty (30) days following the passage of the amendment, a petition signed by a number of qualified and registered voters as specified in Section 402 of Public Act 110 of 2006, as amended, may be filed with the Township Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402(2) of Michigan Public Act 110 of 2006, as amended.

Section 16.02 Resubmission of Amendment Requests

A petition for a rezoning or Ordinance text amendment, once denied by Township Board, shall not be resubmitted for recommendation or action within one (1) year from date of denial.

Article 17 Administration and Enforcement

Section 17.01 Zoning Administration

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

Section 17.02 Verification Permits

No building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or substantially altered, except wholly interior alterations or repairs, unless a permit therefore has been issued by the Zoning Administrator.

Section 17.03 Certificate of Occupancy

- (A) No building or structure which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be used in whole or in part until the owner thereof shall have been issued a certificate of use and occupancy as provided by the terms of the Zoning Ordinance of Matteson Township. No such certificate of use and occupancy shall be issued unless all of the provisions of this Ordinance have been complied with the owner of the building or structure as to which such certificate is sought.
- (B) A record of all certificates shall be kept on file in the Township, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (C) Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- (D) Application for certificates of occupancy shall be made on forms furnished by the Township. If the Zoning Administrator and Building Inspector determine that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance, then the Certificate of Occupancy shall be issued. The Township shall either issue the Certificate of Occupancy, or issue a denial, within ten (10) days after receipt of the application.

Section 17.04 Building Permits

The issuance and expiration of building permits shall be in accordance with the policies established by the Branch County Building Inspection Department.

Section 17.05 Cancellation of Permits

The Zoning Administrator shall have power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statement or misrepresentation in the application for the permit. Notice of such cancellation and revocation shall be securely posted on the construction site, such posting to constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.

Section 17.06 Escrow Accounts and Special Fees

In addition to the fees established by the Building Code, special fees shall be paid to the Zoning Administrator who shall remit the same to the Township Treasurer. The Zoning Administrator may require the payment of a set amount into an escrow account at the time of application, in order to cover all special fees incurred over the course of an application process. Any unused funds shall be returned to the applicant upon the final approval or denial of their application. The payment of such fees is a condition precedent to the validity of such permit. The schedule of fees shall be set by the Township Board.

Section 17.07 Building Permit Not Issued

In those cases where buildings or structures have been erected, enlarged, or altered without a building permit, the Zoning Administrator is hereby empowered to notify by registered letter, the party or parties responsible for the above-mentioned action that they are in violation of this Ordinance. Should the party or parties responsible for the action take corrective action by applying for a building permit within seven (7) days of the receipt of the letter of notification, no penalties shall be applied. However, after seven (7) day grace period has elapsed, the party or parties may be prosecuted under provisions of this Ordinance.

Section 17.08 Inspection of Buildings and Structures

- (A) As work progresses under a permit, the holder thereof or his authorized agent shall cause the Zoning Administrator to be notified at the following stages of construction:
- (1) Upon completion of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and the electrical wiring and plumbing.
 - (3) Upon completion of the work authorized by the permit and before occupancy or use.
- (B) Should the permit holder fail to comply with all or the terms and provision of this Ordinance at any stage of the construction, the Zoning Administrator is authorized to revoke and cancel there permit and cause notice of such positing to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit. No further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

Section 17.09 Violations

Violations of this Zoning Ordinance shall be a civil Infraction

Section 17.10 Public Nuisance

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 17.11 Penalties

- (A) Fines, compliance and nuisance abatement. The violation of any provision of this Zoning Ordinance by any firm, corporation, person, or persons, or anyone acting on behalf of said person, persons, firm or corporation, is a municipal civil infraction that shall result in the assessment of a fine of not less than \$50.00 and not more the \$500.00 per infraction, plus costs and other sanctions ordered by the court. Each day that a violation is permitted to exist shall constitute a separate offense.
- (B) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- (C) The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

Section 17.12 Procedures for Addressing Violations

The following procedures shall be followed in addressing potential violations. The Township Board, the Zoning Board of Appeals, Township Attorney, Branch County Prosecuting Attorney or any owners or occupants of any real Estate with the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this

Ordinance:

- (A) Report of Violation.** Any and all buildings or land use activities considered possible violations shall be reported to the Zoning Administrator or his/her Township appointed delegate.
- (B) Investigation.** The Zoning Administrator shall inspect each alleged violation. If a violation has occurred, the Zoning Administrator shall issue and order to correct the violation to the offender with 10 days of the inspection. A maximum of three (3) notices must be distributed; 10 days apart.
- (C) Remedial Plan.** All violation notices shall be responded to by submitting a remedial plan and timetable for correction of the violation to the Zoning Administrator within 10 days after the notice is issued. If the Zoning Administrator rejects the remedial plan or the timetable, revisions must be submitted to the Zoning Administrator within five (5) days of notification of the rejection.
- (D) Prosecution.** A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.

Section 17.13 Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the court having jurisdiction, to restrain and to prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute or join the Township Board in such a suit to abate the violation.

Section 17.14 Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or prevent any further prosecution of violations of this Ordinance.

Section 17.15 Records of Violations and Remedies

The Township Zoning Administrator shall keep accurate records of all decisions and actions relative to identified violations and corresponding actions and remedies.

This page left blank intentionally.

Article 18 Construction of Language and Definitions

Section 18.01 Construction of Language

The following rules of construction apply to the text of this Ordinance:

- (A) The particular shall control the general.
- (B) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural and the singular, unless the context clearly indicates the contrary.
- (E) A "building" or "structure" includes any part thereof.
- (F) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (G) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (H) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (I) Terms not herein defined shall have the meaning customarily assigned to them.

Section 18.02 Definitions

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Abandonment: Except in the case of gravel pits existing at the time of adoption of this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

Abutting: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory Use, or Accessory Structure: A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

Addition: An extension or increase in floor area or height of a building or structure.

Agriculture: The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income.

Agricultural Bulk Station: A commercial facility used for storage and shipping of agricultural products.

Agricultural Retail Facility: A booth or stall located on a farm from which produce and farm products are sold to the general public.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amortization: A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal (large): A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures that are also associated with traditional farming or animal husbandry purposes.

Animal (Small): A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit.

Apiary: A place in which bees are kept for production of honey.

Appeals: The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

Applicant: A person or entity submitting an application for review and action by the Township.

Arcade: Any place of business or establishment whose principal use shall be the housing of mechanical or electronic amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score.

Architectural Features: Architectural features of a building or a structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Area see Lot Area

Areas of Each Sign: The total exterior surface computed in square feet for a sign having one exposed exterior surface; one-half the total of the exposed exterior surfaces computed in square feet for a sign having more than one such surface.

Automobile Salvage: The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

Basement: 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.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of Appeals: The Zoning Board of Appeals of the Township of Matteson

Breezeway: Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

Buffer Area: An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Buildable Area: The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

Building: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Contractor Shop: A facility where building and construction contractors store construction equipment and/or building materials.

Building Coverage: The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building Height: The vertical distance from grade to the top of parapet wall in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. The height of detached accessory structures shall be the distance from grade to the top of a parapet wall in the case of a flat roof, and to the peak of the roof for mansard, gable, hip, and gambrel roofs.

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

Canopy: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Carry-Out Restaurant: An establishment that, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

Cellular Towers see Wireless Communication Facility

Certificate of Occupancy: A document issued by the proper authority (Zoning Administrator and Building Inspector) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and

approved plans and specifications.

Cluster Development: A development design technique that concentrates buildings in specific locations on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial: A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

Commission: The Planning Commission of the Township of Matteson.

Condominium: The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure located as a permitted use within a zoning classification and requirements of this Ordinance.

Contiguous: Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

Corner Lot: Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Deck: A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

Density: The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking and sanitary facilities.

Dwelling Unit, Manufactured: Is a dwelling unit that is substantially built, constructed, assembled, or finished off the premises upon which it is intended to be located.

Dwelling, Group (Congregate Living): A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

Dwelling, Mobile Home: A detached residential dwelling unit with a body width greater than eight (8) feet, of not less than forty (40) feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes that do not conform to the standards for one-family dwellings, of this Ordinance, shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as hereinafter provided.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one (1) family dwellings.

Dwelling, One-Family: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit, Site Built: Is a dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises that are intended to serve as its final location.

Dwelling, Two-Family: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one (1) family dwellings.

Easement: A property right, such as a right-of-way, less than fee title, over, above, on, and/or under real property for the use by the easement owner.

Earth Berm: A mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Equipment Rental/Sales: A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

Erected: To have built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

Essential Services: A public utility or municipal department utilizing underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings.

Excavation: Any breaking of ground, except common household gardening and ground care.

Family/Single Family:

1. One or more individuals living together in a one dwelling unit who are related by blood marriage, or adoption; or
2. One (1) or more individuals unrelated by blood, marriage, or adoption living together in a one (1) dwelling unit in a non-transient domestic relationship as a single housekeeping unit; or
3. An adult foster care family home, as defined in this Ordinance:

'Family/single family' specifically excludes clubs, fraternities, sororities, motels, hotels, boarding houses, and adult foster care large group homes and adult foster care small group homes, as defined in this Ordinance.

Farm: Any area of two (2) acres or more, used for agricultural purposes and uses incidental thereto. However, the incidental uses shall be subordinate to normal agricultural uses and shall not include commercial feeding of offal or garbage to animals.

Farm Buildings: Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce, or animals.

Farm Stand: A booth or stall located on a farm, from which produce and farm products are sold to the general public.

Fence: Any permanent or seasonal partition, structure, or gate erected upon or near, but not limited to, the dividing line between adjoining property owners, for the purpose of separating, screening, enclosing or protecting property. Hedges, ornamental shrubs, trees and bushes shall be considered fences when placed in a manner or position to serve as such and to prevent passage across.

Flag Lot: A lot not fronting entirely on or abutting a public road and where access to the public road is a narrow, private right-of-way.

Flea Market see Temporary Outdoor Use

Floodplain (Flood Prone Area): Any land area susceptible to being inundated by water from an existing watercourse such as a stream, river, or drainage/ponding area. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor Area, Residential: 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 the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Foster Care: The provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks of compensation.

Foundation or Foundation Wall: A wall below the floor nearest grade which serves as a structural support for a wall, pier, column or other part of a building, or the wall of a basement that resists lateral soil load.

Frontage: That portion of a lot that abuts a public right-of-way or private road.

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, similar vehicles and household items owned and used by the occupants of the building to which it is accessory.

Garage, Service: Any premises used for the storage or maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance four (4) feet out from the edge of the building.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenhouse: A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

Junk Motor Vehicle: An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or Township laws or ordinances.

Junk (Salvage) Yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk.

Land Use: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A measured portion of a parcel or tract of land, which is legally described and recorded.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the streets. In the case of a corner lot, both lot lines abutting street frontage shall be considered Front Lot Lines.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the Rear Lot Line shall be the lot line opposite the Front Lot Line.
3. **Side Lot Line:** Any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat or described by metes and bounds into a single building site, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot, Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines or in the case of a corner lot, the side lot line and opposite lot line.

Lot, Zoning: A single tract of land, which may include one (1) or more lots of record, which conforms with this Ordinance with respect to area, size, dimensions and frontage in the district.

Lumber Yard: A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

Major Thoroughfare: An arterial street that is intended to serve as a large volume traffic way for both the Township and the region beyond.

Master Plan: The Comprehensive Land Use Plan prepared and adopted by the Township pursuant to law.

Mini-Warehouse (Self-Storage Facility): A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

Mixed Use Zoning: Regulations that permit a combination of different uses within a single development, under special regulations.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom that provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Motor Home: A self-propelled motor vehicle, which provides some or all of the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Municipality: Matteson Township, Branch County, Michigan.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that do not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot: Any lot, outlet, or other parcel of land that does not meet the land area or dimension requirements of this Ordinance.

Nonconforming Sign: Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

Off-Street Parking Facility: A facility providing vehicular parking spaces, off the public right-of-way, with adequate drives and aisles for maneuvering, so as to provide access and exit for the parking of more than three (3) vehicles.

Open Air Business Use: Any business when said business is not conducted from a wholly enclosed building.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

Open Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parking Space: An area of definite length and width, for the purpose of parking motor vehicles, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Planned Commercial or Shopping Center: A group of commercial establishments, connected or on single parcel or lot, planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Planned Residential Development or "PRD": An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

Planned Unit Development: An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters, or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

Porch: A projection on a building or structure containing a floor, which may be either totally enclosed or open.

Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.

Principal Use: The main use to which the premises are devoted.

Public Building: A building that is owned by the public, is all or a part thereof designated for and open to use by members of the general public, and not including patios and appurtenances.

Public Facility: A facility, which is owned and operated by a municipality, government agency, school district, or publicly owned utility.

Public Utility: Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water services.

Quasi-Public Organization: A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

Recreational Vehicle: A vehicle, other than an automobile, which moves one (1) or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled, and is intended for use off the public road system, and/or for recreational use. Excluded are private automobiles and commercial trucks and trailers.

Recycling: The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center: A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

Restriction: A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

Restrictive Covenant: A restriction on the use of land usually set forth in a deed or other appropriate document.

Right-of-Way: The right or privilege, acquired through accepted usage or contract, to pass over a designated portion of the property of another. A right-of-way may be either public or private and usually is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar uses.

Road or Street: Any public or private thoroughfare or Right-of-Way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

Private Road or Street: Any Road or Street that is privately maintained and has not been accepted for maintenance by the Branch County Road Commission, the State of Michigan or the federal government, but is subject to approval by the Township.

Public Road or Street: Any Road or Street or portion thereof which has been dedicated to and accepted for maintenance by the Branch County Road Commission, State of Michigan or the federal government. For the purposes of funding, public roads are classified as either County Primary Roads or County Local Roads, pursuant to Michigan Public Act 51 of 1951, as amended. The County Primary Roads are those selected by the board of county road commissioners and certified to the Michigan Department of Transportation as being of greatest general importance to the county. All roads not included in the County Primary system shall constitute and be the County Local Road system.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room, great room, or the like, or a bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

School: Any building or part thereof that is designed or used for education or instruction in a branch of knowledge.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback: The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

Site Condos: A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

Site Plan: The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

Site Plan Review and Approval: This submission of plans for review and approval, as required by this Ordinance, and special use permits.

Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

Special Use: Any use of land listed as a Principal Use Permitted Subject to Special Conditions that, due to its potential effect on adjacent lands, in particular, and the overall Township in general, requires approval by the Township Board according to the standards as provided in this Ordinance.

Storm water Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street: A public dedicated right-of-way, other than an alley.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

Swimming Pool: Any permanent or portable pool, used for swimming or bathing over twenty- four 24 inches in depth, or with a surface area exceeding one hundred sixty (160) square feet.

Temporary Use or Temporary Building: A use or building permitted by the Board of Appeals to exist temporarily during a specified period of time or until a specific event occurs.

Trash: The terms "Trash," "Litter," and "Junk" are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body not exceeding eight (8) feet in width or thirty-two (32) feet in length.

Underground Home: A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty feet. This does not include basement houses that are covered on four (4) sides by earth.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Variance, Non-Use: A departure, other than use or usage, from the provisions of the Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

Variance, Use: A variance granted for a use or structure that is not permitted in the applicable zoning district.

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Wholesale Agricultural Products Storage: A facility for the temporary storage of agricultural products that are sold at wholesale to buyers and distributors for retail sale.

Yard: That portion of a lot between the outermost boundaries and the main building thereon, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

Zoning Permit: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Township of Matteson.