
**QUINCY TOWNSHIP
BRANCH COUNTY, MICHIGAN**

ZONING ORDINANCE

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ZONING ORDINANCE

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ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 1.01 Short Title.

This Ordinance shall be known as the "Quincy Township Zoning Ordinance". Within the following text it may be referred to as the "Ordinance" or the "Zoning Ordinance."

Section 1.02 Intent.

The intent of this Ordinance is to promote the public health, safety, morals, and general welfare of Quincy Township; protecting the character and stability of agricultural areas; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision of water supply and sewage disposal, education, recreation and other public improvements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Master Plan adopted by the Quincy Township Planning Commission and endorsed by the Quincy Township Board. The continued administration of this Ordinance, amendments to this Ordinance, and other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereinafter referred to as the "Zoning Act". (Amended 2007).

Section 1.03 Scope.

No structure shall be erected, converted, enlarged, reconstructed or altered, nor shall any structure or land be used, occupied, designed or arranged for any purpose other than as is permitted in the district where the structure or land is located. No yard or open space surrounding any structure shall be encroached upon or reduced in any manner, except in conformity with the regulations established for the district where such structure is located.

Section 1.04 Withholding of Approval.

The Township may withhold approval of any use, site plan, planned development, variance, rezoning, text amendment, or other approval required by this Ordinance where violations of this Ordinance or other Township ordinances are determined to exist, or where permits or approvals by outside agencies are required and have not been issued.

Section 1.05 Schedule of Fees, Charges and Expenses.

The Township Board shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for matters pertaining to this Ordinance. The schedule of fees shall be on file at the Township Hall. The schedule of fees, charges, and expenses may be altered or amended by resolution of the Township Board.

- A. **Necessary fees and expenses.** Fees, charges, and expenses shall be assessed as part of the application for review of matters pertaining to this Ordinance to defray expenses incurred in processing such application.
- B. **Non-refundable.** Fees, charges, and expenses assessed as part of an application for review of matters pertaining to this Ordinance are non-refundable.
- C. **Required upon application.** No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees have been paid in full.
- D. **Fees in Escrow for Professional Reviews.** Any application for matters requiring approval under this Ordinance may also require the deposit of fees to be held in escrow in the name of the applicant. For example, an escrow fee shall be required for any project that requires a traffic impact study or an impact assessment under Section 1.12. An escrow fee may be required by the Township Board, Planning Commission, or Zoning Board of Appeals where professional input and review is desired before a decision is made about any project that may create an identifiable and potentially negative impact on public roads, other infrastructure or services or adjacent properties.
 - 1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed project. Professional review will result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered, if requested.
 - 2. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within sixty (60) days of final Township action on the applicant's request, or within sixty (60) days of withdraw of the request by the applicant.
 - 3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township in response to the applicant's request. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

Section 1.06 Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, an approving authority (Planning Commission or Township Board, as appropriate) may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be subject to the following:

- A. “Improvements” shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.

- B. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety form acceptable to the Township Board. The amount of the guarantee shall be determined by the Zoning Administrator and shall cover the full cost of any uncompleted site plan improvements and inspections. If the improvements are planned for the following construction season, any necessary adjustments in anticipated costs shall be made to the amount of the guarantee. The performance guarantee shall be deposited prior to the start of work or issuance of any permits.
- C. Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The approving authority shall not release the performance guarantee until the Zoning Administrator and approving authority are satisfied that the conditions for such action have been met.
- D. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements, provided that ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 1.07 Permits.

The Zoning Administrator shall have the authority to grant zoning permits, and to make inspections of structures or sites necessary to carry out its duties in the enforcement of this Ordinance.

- A. **Zoning permits.** A zoning permit is required to determine compliance with use, area, height and bulk regulations; setbacks; and other requirements and conditions of this Ordinance.
- B. **Permit issuance.** Issuance of permits under this Ordinance shall be subject to the following:
 - 1. It shall be unlawful for the Zoning Administrator to approve any plans, or to issue any permits until he has inspected such plans in detail and found them to conform with this Ordinance.
 - 2. Any fees, charges, and expenses paid by the applicant shall be nonrefundable.
 - 3. No permit shall be issued until the Zoning Administrator has received the following information, where applicable:
 - a. Notification of final approval of a site plan, special approval use or other necessary approval from the Planning Commission and/or Township Board, including any conditions of approval.
 - b. Proof of acquisition of all other applicable outside agency permits, including the Branch County Health Department, at the discretion of the Zoning Administrator.
 - 4. Whenever the structures, lands and uses described in a full and complete application are determined to be in full and complete conformity with the provisions of this Ordinance and other Township ordinances, it shall be the duty of the Zoning Administrator to issue a permit within ten (10) business days after the receipt of such application.
 - 5. All permits shall be conspicuously posted upon the premises.

6. In all cases where the Zoning Administrator denies approval of a permit, the cause and reasons for such refusal shall be noted on the application and provided to the applicant upon request.
- C. **Plans and specifications.** Applications for permits required by this Section shall be filed with the Zoning Administrator. Each application shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform with the provisions of this Ordinance. All applications for zoning permits shall be accompanied by plans and specifications drawn to scale and showing the following:
1. The shape, location, dimensions address and tax identification number of the lot, and the name and address of all persons having an ownership interest with a written statement indicating knowledge of and agreement with the proposal.
 2. The shape, size and location of all structures to be erected, altered or moved, and any existing structures on the parcel or adjacent parcels.
 3. The existing and proposed use of the lot and of all such structures upon it.
 4. All information necessary for determining compliance with this Ordinance.
- D. **Duration of permit.** A permit issued by the Zoning Administrator shall expire six (6) months following the date of issuance. If work is not commenced at the conclusion of the six (6) month period, the applicant may apply for a 90-day extension from the Zoning Administrator, which shall begin upon expiration of the original permit. The applicant must apply for the extension no more than 10 days after the permit expires. The Zoning Administrator may grant one (1) such extension per permit
- To be granted an extension, the applicant must demonstrate that progress has been made, and that work will continue diligently to conclusion. An acceptable explanation as to why the original construction period was insufficient must also be provided. (Ord. 06-04, 11/3/2004)
- E. **Revocation of permit.** The applicant shall be notified in writing of the revocation of a permit within ten (10) working days of such action by the Zoning Administrator. The reasons for the action shall be provided in the written notice. Any permit issued under the provisions of this Ordinance may be revoked by the Zoning Administrator if the permit holder has:
1. Made false or fraudulent statement in the application or exercise of a permit.
 2. Violated, or failed to satisfy, any of the provisions of this Ordinance or any condition of approval.
 3. Performed work or used materials that do not conform to the approved plans or specifications.
 4. Caused, created or maintained, in the exercise of a permit, a nuisance or danger to the public health, safety or welfare.
- F. **Zoning inspections.** It shall be the duty of the holder of every permit to notify the Zoning Administrator of the time when the work subject to the permit is ready for inspection. It shall be

the duty of the Zoning Administrator to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.

Section 1.08 Buildings Under Construction.

Any building or structure for which a permit has been issued and permitted work has been started prior to the effective date of this Ordinance may be completed and used in accordance with the approved adoption or amendment of plans and permits. Any such permit for a use that would become nonconforming after the effective date of this Ordinance shall not be renewed if permitted work has not commenced within three hundred sixty-five (365) days from the date of issuance. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any structure upon which actual construction was lawfully begun prior to the adoption or amendment of this Ordinance, and has been diligently carried on to completion.

Section 1.09 Buildings To Be Moved.

Any structure which has been wholly or partially erected on any premises within or outside the Quincy Township shall not be moved to or placed upon any premises in the Township unless a zoning permit for the structure has been secured from the Zoning Administrator. The structure shall fully conform to all the provisions of this Ordinance in the same manner as a new structure.

Section 1.10 Restoring Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Zoning Administrator, except as specified in Article 21 (Nonconformities).

Section 1.11 Public Hearing and Notice Procedures.

All applications for development approval requiring a public hearing (special uses, variances and interpretations by the Zoning Board of Appeals, amendments to the Township Zoning Ordinance, etc.) shall comply with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and with other provisions of this Ordinance.

- A. **Responsibility.** When the provisions of this Ordinance require that a notice of public hearing be published, the Quincy Township Clerk shall be responsible for preparing the content of the notice and publishing it in a newspaper of general circulation in Quincy Township and mailed or delivered as provided in this Section.

- B. **Content.** All mail, personal and newspaper notices for public hearings shall describe the nature of the request; identify whether the request is for a rezoning, text amendment, special land use, planned unit development, appeal, ordinance interpretation, or other purpose and indicate the property that is the subject of the request. The notice shall include a listing of all property that is the subject of the request and shall include the a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel number or including a map showing the location of the subject property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an ordinance interpretation that involves no specific property.

The notice shall indicate when and where the request will be considered, including the date, time and place. It shall also include a statement of where and when written comments will be

received, together with a statement that the public may appear at the hearing with counsel. The notice shall also include information as to how handicapped access will be provided if the facility is not handicapped accessible.

- C. When the provisions of this Ordinance require that a personal or mailed notice be provided, the notice shall be provided to:
1. The owners of property for the approval being considered and the applicant if different than the owner(s) of the property;
 2. Except for rezoning requests that involve eleven (11) or more adjacent properties, an ordinance interpretation that does not involve a specific property, or a text amendment that does not involve a specific property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the subject property and all occupants of said properties located within three hundred (300) feet of the boundary of the subject property, regardless of whether the property is located in Quincy Township. If the name of an occupant is not known, the term occupant is may be used in making the notification. The notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned by or leased by different individuals, partnerships, businesses or organizations, one (1) occupant shall receive the notice.
 3. All governmental organizations, public utilities, railroads, neighborhood associations and other persons that have registered to receive a notice. (see Subsection F below)
 4. Other governmental units or infrastructure agencies within one thousand (1000) feet of the subject property.
 5. Notice shall also be provided to members of the body charged with conducting the hearing, the Zoning Administrator, and any other appropriate Township officials.
 6. The Township may, in its discretion, post the notice at other public accessible locations, including but not limited to the Township Hall, public libraries and the Internet. The Township may also deliver the notice to additional persons, including those located more than the three hundred (300) feet from the subject property, provided that the applicant is not required to pay for expenses associated with the additional mailings.
- D Notice shall be considered mailed by its deposit in the United States mail, first class, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants (see Section F below) to whom the notice was mailed, as well as of anyone to whom the personal notice was delivered.
- E. Unless otherwise provided by this Ordinance, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal or ordinance interpretation, not less than fifteen (15) days before the public hearing at which the application will be considered for approval.
 2. For any other public hearings required by this Ordinance.

F. **Registration to Receive Notice by Mail:**

1. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 1.11.C, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk and/or Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
2. **Requirements.** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

G. **Pre-hearing examination.** Any person may examine the application and documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents, upon reasonable request and payment of fees established by the Township Board to cover the cost of making such copies.

H. **Right to submit written statements.** Any person may submit written comments about the subject and purpose of a hearing prior to the hearing date. Such statements shall be made a part of the public record of the hearing.

I. **Timeframe for hearings.** The public hearing shall be scheduled for a date not more than sixty (60) days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless the applicant shall agree to some later time.

J. **Rights of all persons.** Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

K. **Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time and place for the purpose of giving further notice, or for other reasons that the body finds to be sufficient.

L. **Governance.** All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

(Amended 2007).

Section 1.12 Impact Assessments.

The applicant for a rezoning, planned development, special land use or other matter specified in this Ordinance, or a use or development determined by the Planning Commission to have significant potential impacts upon the environment, traffic, infrastructure or demands for public services, may be required to provide an impact assessment. The Township reserves the right to hire experienced professionals to evaluate the impact assessment and, prepare additional analyses, with the cost borne by the applicant. The minimum contents of this impact assessment shall be the following:

- A. **Qualifications of preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment, and a brief statement of their qualifications.

- B. **Site description.** An area plan or aerial photograph illustrating the entire site and nearby properties, overlaid with illustrations of adjacent land uses, zoning, public roads, utilities, significant woodlands, soil types, 100-year floodplains, drains and general topography. The area described shall be within one-quarter ($\frac{1}{4}$) mile for sites up to twenty (20) acres, and within one (1) mile radius for larger sites.
- C. **Conceptual site plan.** Illustration of the general layout and phasing of proposed uses upon which the impact analysis is based.
- D. **Land use impacts.** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how any proposed uses conform or conflict with existing and planned development patterns. A description shall be provided of any increases in light, noise or air pollution that could negatively impact adjacent properties.
- E. **Environmental impact.** Description of any expected environmental impacts on site and area natural features. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction. Documentation by a qualified wetland specialist shall be required wherever regulated wetland may be impacted by the proposed project.
- F. **Impact on public facilities and services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to area fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- G. **Utility impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
- H. **Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Branch County Drain Commissioner shall be attached indicating their concerns and suggestions.
- I. **Storage and handling of waste and hazardous materials.** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. A Pollution Incident Prevention Plan (PIPP), and documentation of compliance with federal and state requirements, shall be submitted as appropriate.
- J. **Traffic impacts.** A traffic impact study may be required. The Township may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the application per Section 1.05 (Schedule of Fees, Charges, and Expenses). At a minimum, the study shall include the following:
 - i. Analysis of existing traffic conditions and/or site restrictions using current data.
 - ii. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.

- iii. Illustrations of current and proposed turning movements at access points, including identification of the impact of the development and its proposed access on the operation of abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
- iv. Description of the internal vehicular circulation and parking systems for passenger vehicle and delivery trucks, as well as the circulation system for pedestrians, bicycles, and transit users.
- v. Justification of need, including statements describing how the additional access will meet the intent of this Section, will be consistent with the Township's Master Plan and any sub-area or corridor plans, will not compromise public safety and will not reduce capacity of traffic operations along the roadway.
- vi. Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

Section 1.13 Compliance Required.

No structure, or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Ordinance.

Section 1.14 Enforcement.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or other authorized agents of the Township. The Zoning Administrator shall investigate all complaints of Ordinance violations:

- A. Upon determining that a violation has occurred, the Zoning Administrator shall be authorized to inform the violator of the violation and any necessary actions to resolve the violation, and to take such actions as deemed necessary to resolve the violation. Where necessary, written notice of the violation shall be served on the violator stating:
 - 1. The nature of the violation.
 - 2. The actions or changes required to resolve the violation.
 - 3. The time by which the violation must be remedied.
 - 4. That further enforcement action may be taken by the Township to remedy the violation if it is not remedied within the time specified.
- B. If the violation is not remedied by the time specified in the notice, the Zoning Administrator shall use all available means to remedy the violation, including, but not limited to citations, or the pursuit of Circuit Court approval to remedy the violation at the expense of the property owner. All expenses related to such enforcement actions may be placed upon the tax rolls for the property unless immediately reimbursed by the property owner.

Section 1.15 Violation and Penalties.

- A. **Duty of person in charge.** It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use or the erecting, altering, changing, or remodeling of any structure to see that proper permits have been granted and that such work is not in violation of this Ordinance before undertaking such work. Architects, builders, contractors or other persons performing such work without a permit or in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the owner of the property, and shall be subject to the penalties herein prescribed for such violation.

- B. **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 one hundred dollars (\$100.00) and not more than five hundred dollars (\$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.
 - 1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
 - 2. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.

- C. The Zoning Administrator and police officers serving the Quincy Township shall be authorized to issue civil infractions for violations of this Ordinance. The Zoning Administrator or Township Board may authorize additional persons as necessary to issue civil infractions for violations of this Ordinance.

ARTICLE 2 ZONING DISTRICTS AND MAP

CHAPTER 1: DISTRICTS

Section 2.101 Zoning Districts.

For the purpose of this Ordinance, Quincy Township is hereby divided into districts known as:

NAME	SYMBOL
Agriculture District	A
Lakeside Residential District	R-1
Medium Density Residential District	R-2
Manufactured Housing Park District	MHP
Neighborhood Commercial District	C-1
General Commercial District	C-2
Industrial District	I

Section 2.102 Zoning Map.

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Township Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk, and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map of the Quincy Township, effective as of _____, the ____ day of _____, _____."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the Township Board. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Section 24.03 (Amendments), or the procedures set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended (MCLA 125.3101 et seq.), for adoption of a new Official Zoning Map. The Official Zoning Map shall be maintained by the Township Clerk, and shall be the final authority as to the current zoning status of land and water areas and structures in the Township. (Amended 2007)

Section 2.103 Agriculture (A) District.

The Agriculture Production District is hereby established to conserve and enhance the low density, rural character and agricultural use of substantial portions of the Township. By conserving such rural character, the Township and other public agencies will save money and public expenditures by minimizing scattered demand for urban types and levels of services, utilities, and facilities in otherwise predominately rural areas. The standards in this district are intended to assure that permitted uses peacefully coexist in a low-density setting, while preserving rural features. Preservation of open space, protection of flood prone areas, protection of wetlands, woodlands, and groundwater recharge areas, and preservation of other

natural features is encouraged, consistent with state law. Preservation of traditional agricultural practices, practiced by the Amish, Mennonite, or other established groups, is desired and encouraged.

It is further the intent of this District to achieve the following objectives:

- A. To discourage the encroachment of urban and suburban services into agricultural and rural portions of the Township.
- B. To permit, with limited exceptions, only agricultural land uses and activities.
- C. To create a stable environment for agricultural production and to separate agricultural uses and activities from incompatible residential, commercial, and industrial development.
- D. To permit services and uses that are necessary to support agricultural activities.
- E. To put into action the Township's Master Plan, which contains the goal of protecting agricultural lands and promotes agriculture as an important component of the local economy.

Section 2.104 Lakeside Residential (R-1) District.

The Lakeside Residential (R-1) District is hereby established for the purpose of providing a range of choices of living environments, providing suitable land uses in lakeside areas, protecting lake water quality, prohibiting use of the land that would adversely impact residential areas, discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the residents, and encouraging the provision of public services, such as water and sewer. The intent of the district is to provide for an environment of predominately single family dwellings, in a lakeside setting, along with associated uses and facilities that serve the residents in the district, but not limited to nature preserves, parks and playgrounds.

Section 2.105 Medium Density Residential (R-2) District.

The Medium Density Residential (R-2) District is hereby established for the purpose of addressing varied housing needs of Township residents by providing locations for single and multiple family housing at higher density than is permitted in the Lakeside Residential (R-1) District. In addressing these housing needs, the Medium Density Residential District should be designed in consideration of the following objectives:

- 1. Uses in this district should be provided with necessary services and utilities, including public sanitary sewers and wastewater treatment, usable outdoor space, and a well design internal road network
- 2. Uses in this district should be designed to be compatible with surrounding or nearby housing and agriculture areas.
- 3. Uses in this district should have direct access to a collector or arterial road.

Section 2.106 Manufactured Housing Park (MHP) District.

The Manufactured Housing Park (MHP) District is hereby established to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks") as defined by the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.), and the

Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including but not limited to educational and cultural land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township. Further, the district is intended to meet the needs of the different age and family groups in the community, to provide for standards that ensure adequate light and air to windows and for privacy and open spaces to serve the residents of these districts, to prevent congestion on the public streets, and to reduce hazards to life and property.

Section 2.107 Neighborhood Commercial (C-1) District.

The Neighborhood Commercial (C-1) District is hereby established for the purpose of providing very limited convenience shopping and entertainment opportunities for Lakeside residents at the intersection of Ray Quincy Road and Sebring Road. Neighborhood Commercial areas are intended to provide neighborhood-scale convenience commercial uses, such as restaurants, convenience stores, and bait and tackle shops for lakeside residents and users of recreational facilities around the lake. Neighborhood Commercial developments should be small in scale (5,000 square feet or less) with architectural details that blend with the traditional Midwest small town residential neighborhood and nearby agricultural landscape. Intensive commercial uses that generate large volumes of traffic or that have other characteristics that tend to adversely affect the quality of surrounding residential and agricultural areas are not permitted in this district.

Section 2.108 General Commercial (C-2) District.

The Central Commercial (C-2) District is hereby established for the purpose of promoting the orderly development of the Township's commercial corridor. This District includes a wider range of business and activities than those permitted in the Neighborhood Commercial (C-1) District. This district is intended to provide opportunities for automobile-related businesses and other businesses and services that would be incompatible with the pedestrian-oriented character, scale and mix of permitted uses in the Village of Quincy, or that usually generate large volumes of vehicular traffic or require substantial access for off-street parking and loading. Accordingly, this district should be generally located near major streets and thoroughfares to prevent potential nuisances and conflicts with incompatible uses and districts.

Because of the types of uses permitted in the General Commercial (C-2) District, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Accordingly, development in the General Commercial (C-2) District shall be compatible in design with the overall Township character, designed in coordination with adjoining sites, buffered from or located away from residential and agricultural areas, and served by major roads or thoroughfares.

As stated in the Township's Master Plan, it is the goal of the Township to support the Village of Quincy in becoming the commercial center of the community through the redevelopment of the Village Downtown.

Uses which are more appropriate to the Village's Downtown, such as service businesses and small retail stores, should be directed to the Village.

Section 2.109 Industrial (I) District.

The Industrial (I) District is hereby established for the purpose of providing locations for planned industrial development. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or agricultural uses.

Accordingly, permitted manufacturing, distribution, warehousing, and industrial uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas.

CHAPTER 2: GENERAL REQUIREMENTS AND STANDARDS

Section 2.201 Principal Uses and Special Land Uses.

In all districts, no structure or land shall be used or occupied, except in conformance with Section 4.02 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Special land uses may be permitted in accordance with Section 4.02 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Article 16 (Special Land Uses).

Section 2.202 Prohibited Uses.

Uses that are not specifically listed as a principal or special land use permitted by this Ordinance in a zoning district, or otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

Section 2.203 Design and Development Requirements.

All permitted principal and special approval land uses shall comply with any applicable requirements of Article 6 (Design Standards for Specific Uses), and all other applicable provisions of this Ordinance and other Township ordinances. No structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Ordinance and other Township ordinances.

Section 2.204 District Boundaries.

The boundaries of all zoning districts shall be as shown on the Official Zoning Map accompanying and made a part of this Ordinance. Such boundaries shall, to the extent feasible, follow lot or parcel lines, the center-line of roads or alleys or the extension thereof, railroad right-of-way lines or the corporate limits of Quincy Township.

Section 2.205 Roads, Streets, Alleys and Railroad Rights-of-Way.

All roads, streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting such roads, streets, alleys or railroad rights-of-way. Where the center-line of a road, street or alley serves as a district boundary, the zoning of such road, street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center-line.

**ARTICLE 3
RESERVED**

ARTICLE 4 LAND USE TABLE

Section 4.01 Key to Designations in Table

SYMBOL	KEY	
P	Permitted Uses	Principal Uses
S		Special Land Uses
[Blank]	Prohibited Uses in the District	

Section 4.02 Table of Permitted Uses By District

The uses of land in the following table have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described below:

- A. **Animal and Agricultural Uses.** These uses primarily involve the keeping, breeding or use of animals, the production or distribution of produce and farm-related products, and similar associated uses of a rural character or intensity.
- B. **Residential Uses.** These uses primarily involve housing of various types and densities, and associated uses compatible in residential areas.
- C. **Office and Service Uses.** These are generally private-owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, workshops and studios, and similar associated uses.
- D. **Community Uses.** These are generally public-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population, or are uses that serve as focal or gathering points for members of the community.
- E. **Commercial Uses.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
- F. **Industrial, Research and Laboratory Uses.** These are uses that are generally of a manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
- G. **Temporary, Special Event and Other Uses.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
ANIMAL AND AGRICULTURAL USES										
Dairy and Dairy Production	P									Section 6.101
Farm, Fish, Recreation or Landscaping Ponds	P									
Fish, Birds, Equine, Bees – Keeping or Raising	P									Section 6.101
Fruit, Vegetable, Berry, Mushroom, Herb, Flower, Seed, Grass Production	P									
Fur-bearing Animals – Keeping or Raising	P									
Grains and Feed Crop Farming	P									
Grazing and Forage Crop Farming	P									
Greenhouses, Nurseries, and Garden Centers	P							P		Section 6.603
Hunting or Fishing Preserve	P									
Livestock Feedlots, including Breeding and Grazing	P									Section 6.101
Kennels and Animal Shelters	P							P		Section 6.104
Milling and Processing of Agricultural and Forestry Products	P								P	Section 6.102
Pig Keeping and Pig Raising	P									Section 6.101
Poultry Keeping, Poultry Raising, and Egg Production	P									Section 6.101
Produce Stands and Farmer’s Markets	P						P	P		
Refrigerated Warehousing and Storage of Farm Products	P									
Riding Arenas and Boarding Stables	S									Section 6.103
Sod Crop Farming	P									
Tree Farming and Tree Products	P									
Traditional Agricultural Practices and Related Uses	P									
“U” – Pick Produce Farms	P									
Veterinary Clinics	S							P		Section 6.105

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
Viticulture and Wine Production	P									
Warehousing and Storage of Farm Products	P									
Wildlife Preserve	P	P	P							
RESIDENTIAL USES										
Apartments, Accessory	S	S	S			P	P		Section 6.201	
Bed and Breakfast Inns	S	S	S						Section 6.202	
Farm Labor Housing	S								Section 6.203	
Family Child Day Care Homes	P	P	P	P					Section 6.204	
Group Child Day Care Homes	S	S	S	S					Section 6.204	
Home Occupations listed in <i>Section 6.205</i>	P	P	P	P					Section 6.205	
Home Occupations not listed in <i>Section 6.205</i>	S	S	S	S					Section 6.205	
Manufactured Housing Parks				P					Section 6.206	
Multiple-Family Dwellings and Developments		S	P						Section 6.207	
Single Family Dwellings, Detached	P	P	P				S		Section 6.208 Section 6.209	
State-Licensed Residential Facilities, including adult and child foster care homes, not otherwise listed in this table	P/S	P/S	P/S	P/S			S		Section 6.213	
Townhouses and Stacked Flats		S	P						Section 6.210	
Two-Family or Duplex Dwellings		S	P						Section 6.211	
OFFICE AND SERVICE USES										
Banks and Financial Institutions							P			
Barber Shops, Beauty Salons and Nail Care							P			
Catering Facilities							P			

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
Funeral Parlors or Mortuaries								P		Section 6.301
Hospitals								P		Section 6.302
Medical, Osteopathic, Chiropractic and Dental Offices, Medical Clinics, Urgent Care or Rehabilitation Centers								P		
Massage Therapists								P		Section 6.303
Nursing and Convalescent Homes, Assisted Living Facilities and Senior Housing	S		P	P				S		Section 6.304
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations								P		
Tattoo Parlors and Body Piercing Salons								P		Section 6.305
Video Rental Establishments							P	P		Section 6.306
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes, and Similar Items								P		
COMMUNITY USES										
Auditoriums and Performing Arts Theaters								P		Section 6.512
Cemeteries	S									Section 6.401
Child Care or Day Care Centers and Child Caring Institutions	S		P	P			P	P		
Churches, Temples and Other Places of Worship	S		P	P				P		Section 6.402
Colleges, Universities and Other Institutions of Higher Education, Business Colleges and Commercial or Technical Schools								P	P	
Fire and Police Stations	P		P	P				P		
Government Offices	P		P	P				P		

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
Gun Clubs and Firing Ranges	S							S		Section 6.404
Halls for Civic Clubs and Membership Organizations							S	P		
Health Club or Fitness Center								P		
Libraries, Museums and Fine Art Centers								P		
Post Offices	S							P	P	
Public Utility and Essential Service Structures and Uses	S	S	S	S	S	S	S	P	P	Section 6.403
Public Works or Road Maintenance Yards	S							P	P	Section 6.403 Section 6.603
Recreation Facilities, Indoor - (such as tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks)	S	S	S	S	S			P		Section 6.404
Recreation Facilities, Outdoor - (such as parks, playgrounds, athletic fields or courts, swimming pool facilities, roller/in-line and ice-skating rinks, fitness tracks and similar facilities)	P	P	P	P	S	S	S	P		Section 6.404
Schools, Elementary	S	P	P							
Schools, Secondary	S	S	P							
COMMERCIAL USES										
Antique Shops and Art Galleries								P		
Arcades and Indoor or Outdoor Amusement Centers, Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities								P		Section 6.504 Section 6.404
Auto Parts Stores (without repair services)								P		Section 6.510
Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities								S		Section 6.501
Automobile, Truck and other Motor Vehicle Repair Stations for major repair, including but not limited to body shops, painting, welding, and engine or transmission repair or replacement)								S		Section 6.501

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
Automobile, Truck and other Motor Vehicle Service Centers for minor repair, including but not limited to brakes, tires, shocks and struts, undercoating, mufflers, oil and fluid changes and detailing shops)								S		Section 6.501
Bait Shops							S	P		
Bakeries							P	P		
Car Washes, Automatic or Self-service								P		Section 6.502
Cinema or Motion Picture Complex, Indoor with 3 or More Theaters								P		Section 6.513
Cinema or Motion Picture Theater, Indoor								P		Section 6.513
Drive-In or Drive-Through Facilities								S		Section 6.503
Dry Cleaner Central Cleaning/Processing Facilities								S		
Farm Equipment Sales, Service and Repair			S						P	Section 6.507 Section 6.603
Florists, Gift Shops and Specialty Shops									P	
Garden centers and Feed Stores			S						P	Section 6.507 Section 6.603
Golf Course, Country Club & Driving Ranges			S						P	Section 6.504
Gunsmiths and Licensed Firearms Dealers			S						P	
Hardware and Home Improvement Stores and Building Supply Yards (indoor)									P	Section 6.507 Section 6.603
Hotels and Motels									P	Section 6.505
Laundromat and Dry Cleaning Customer Pick-up/Drop-Off Only								S	P	
Manufactured Housing Sales									P	Section 6.206 Section 6.507
Outdoor Cafés and Eating Areas								S	S	Section 6.506

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS							SUPPLEMENTAL USE STANDARDS
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2	I	
	S	Special Land Use								
		Prohibited Use								
Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items								S		Section 6.507 Section 6.603
Package Liquor Stores							S	P		Section 6.508
Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children’s goods)								S		Section 6.509
Recording Studios								P		Section 6.510
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens								P		Section 6.503 Section 6.506
Retail Stores and COMMERCIAL USES with up to 40,000 square feet of total gross floor area.								P		
Retail Stores and COMMERCIAL USES with more than 40,000 square-feet of total gross floor area								S		Section 6.510
Showroom or Sales Office (indoor only) for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Other Durable Goods								P		
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club							S	P		Section 6.512
Tobacconist or Cigar/Cigarette Shop								P		Section 6.514
INDUSTRIAL, RESEARCH AND LABORATORY USES										
Brewery, Distillery or Winery			S					P	P	Section 6.602
Carpet and Rug Cleaning and Similar Cleaning Businesses								P	P	Section 6.602
Crematoriums									S	Section 6.602

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2		I
	S	Special Land Use								
		Prohibited Use								
Electroplating, Welding and Sheet Metal Shops, Paint Mixing and Spraying, Metal Casting, Smelting, Plating, Fabricating, Buffing, Stamping, Dyeing, Shearing or Punching, and Automatic Screw Machines and Rolling Mills									P	Section 6.602
Fabrication or Repair of Manufactured Housing or Temporary Offices									P	Section 6.602
Junkyards and Salvage Yards	S								S	Section 6.610
Hazardous Materials Storage or Waste Tire Facilities									S	Section 6.601
Landfills, Dumping, and Sewage Disposal Facilities	S								S	Section 6.611
Light Industrial Activities, such as: <ul style="list-style-type: none"> • Warehousing and Bulk Indoor Storage Facilities • Assembly of Pre-manufactured Parts for Goods, Products, Equipment, Machinery, Hardware or Similar Items • Manufacture of Products from Aluminum, Brass, Other Metals, Bone, Leather, Paper or Rubber • Bottling Works, Feed or Flour Mills, Smoking, Curing or Packing Plants and similar Food Processing Uses • Blacksmithing, Furniture or Cabinet Repair or Manufacture, Stone Finishing and Carving, Bookbinding or Publishing, Woodworking Shops and Similar Uses • Manufacture of Artificial Flowers, Ornaments, Awnings, Tents, Bags, Cleaning or Polishing Preparations, Brooms and Brushes, Buttons and Novelties, Canvas Products, Clothing for Wholesale Trade, Basket Material, Bicycles, Shoes, Caskets, Brick, Clay, Glass, Shale, Tile Terra Cotta Products or Similar Items 									P	Section 6.602
Machine Shops and Welding Shops									P	Section 6.602

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2		I
	S	Special Land Use								
		Prohibited Use								
Manufacture or Assembly of Automobiles, Recreational Vehicles, Boats, Trucks or Tractors, Ball or Roller Bearings, Chemicals, Petroleum-based products, Electronic Machinery and Components and Similar Products									P	Section 6.602
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Asphalt, Concrete or Cement, Lime, Gypsum or Similar Items									S	Section 6.602
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items									S	Section 6.603
Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items									S	Section 6.604
Power Plants									S	Section 6.601
Quarrying, gravel processing, mining and mineral extraction	S								S	Section 6.609
Recycling Collection Facilities and Composting Centers	S								S	Section 6.605
Research and Development Facilities, Technical Centers and Laboratories									S	
Self-Storage Warehouses								S	P	Section 6.606
Slaughter Houses, Rendering Plants, Tanneries, Commercial Stockyards or Feeding Pens, Glue, Soap, Soda, Compound and Similar Factories, Salt or Potash Works, and Similar Uses									S	Section 6.607
Truck Terminals and Distribution Facilities, Wholesaling and Trucking Operations, and Truck Storage									P	Section 6.608
TEMPORARY, SPECIAL EVENT AND OTHER USES										
Accessory Off-Street Parking Lot for Private Passenger Automobiles	P		P	P	P	P	P	P	P	Article 9
Accessory Structures and Uses Customarily Incidental to any Permitted Use	P		P	P	P	P	P	P	P	Article 7

Section 4.02 Table of Permitted Uses by District.										
USES	SYMBOL	KEY	DISTRICTS						SUPPLEMENTAL USE STANDARDS	
	P	Principal Use	A	R-1	R-2	MHP	C-1	C-2		I
	S	Special Land Use								
		Prohibited Use								
Adult Uses and Sexually-Oriented Businesses								P		Section 6.701
Cellular Towers, Radio, Microwave, or TV Towers								S	S	Article 14
Circuses, Fairs, Carnivals and Similar Uses	S							S	S	Article 6.702
Temporary Construction Buildings and Uses	P	P	P	P	P	P	P	P	P	
Garage for Commercial Vehicles	S	S	S	S	S	S	S	P	P	Section 6.703
Garage Sales, Estate Sales and Private Auctions	P	P	P	P	P	P	P	P	P	
Temporary Structures and Uses	S	S	S	S	S	S	S	S	S	Section 6.704

(Ord 04-04, 3/2/04; Ord. 01-05, 8/2/05; 2007)

ARTICLE 5 DIMENSIONAL STANDARDS

Chapter 1: TABLE OF DIMENSIONAL STANDARDS BY DISTRICT

Section 5.101 Table of Dimensional Standards by District. (Amended 2011)

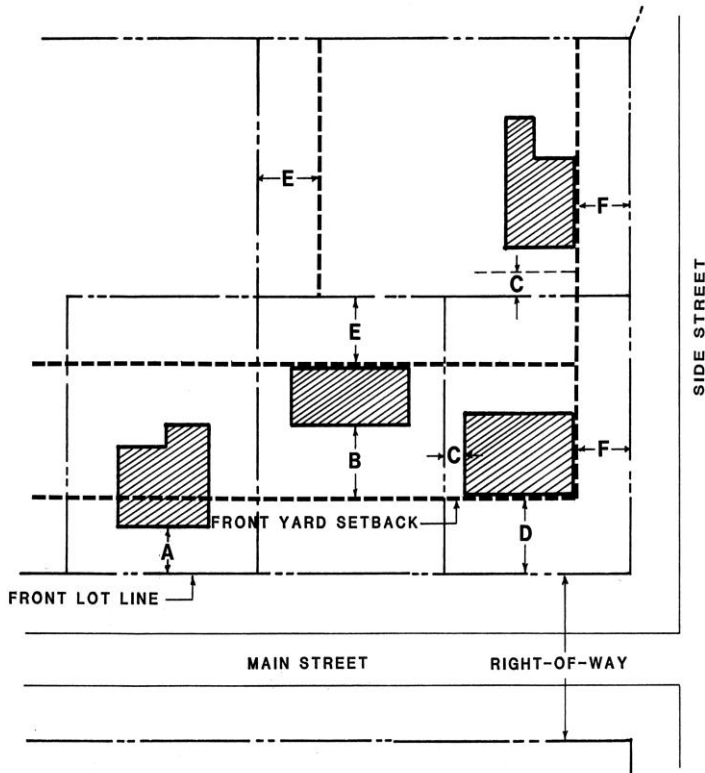
STANDARDS			DISTRICTS							Supplemental Provisions & Exceptions
			A	R-1	R-2	MHP ¹	C-1	C-2	I	
BUILDING HEIGHT (feet)	Maximum	Feet	35	30	30		35	35	40	Section 5.204
		Stories	2.5	2	2		2	2	2	
LOT STANDARDS (per unit)	Minimum Width (feet)		330	50	70		--	--	--	Section 22.04 (Nonconforming Lots of Record) Section 5.207
	Minimum Lot Size		40 ac ²	6,000	8,000		--	--	--	
	Maximum Building Coverage (%)		2.5 ac	30	25		35	25	40	
YARD or SETBACK STANDARDS (feet)	Front Yard	Minimum	40	15	20		30	30	50	Section 5.201 Sections 5.302-5.304 Article 7 (Accessory Structures and Uses)
	Minimum Side Yard	Each Side Yard	50	5	5		20	20	50	Section 5.205 Section 5.302
		Total of Two	100	20	20		50	50	100	
	Minimum Rear Yard			50	35 ³	35		30	30	50
MINIMUM FLOOR AREA (per unit - square-feet)							1000 UFA	2000 UFA	2000 UFA	Section 5.301

¹ Please refer to Section 6.206 for dimensional standards in the Manufactured Housing Park District.

² Please refer to Section 5.207 - Lot Size in the Agriculture (A) District

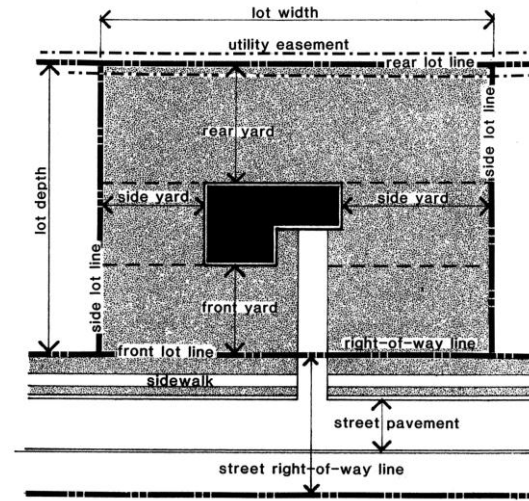
³ Development on Marble Lake or any other Lake must comply waterfront setbacks, see Section 5.202 (Waterfront Yards)

ILLUSTRATIONS

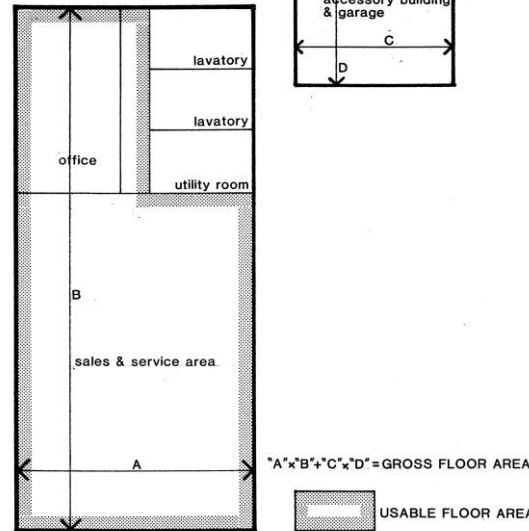


- A ----- DEFICIENT FRONT YARD
- B ----- FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED
- C ----- MINIMUM SIDE YARD REQUIRED
- D ----- MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE
- E ----- MINIMUM REAR YARD REQUIRED
- F ----- MINIMUM YARD REQUIRED ON SIDE STREET EQUAL TO FRONT SETBACK REQUIREMENT

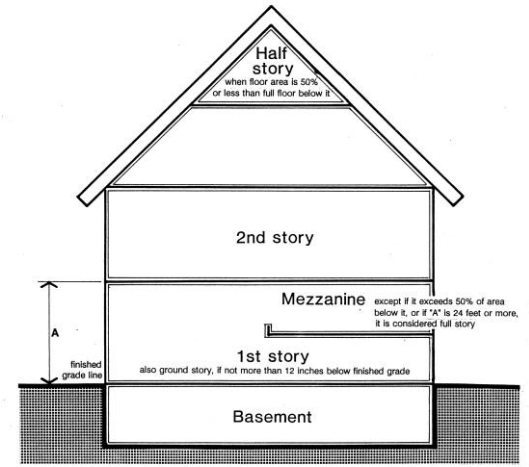
Yard Requirements



Yard Terms

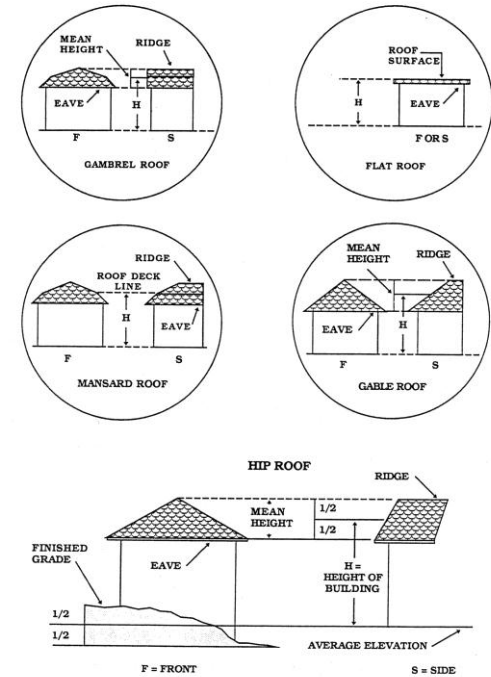


Floor Area Terminology



Basic Structural Terms

BUILDING HEIGHT



CHAPTER 2: SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

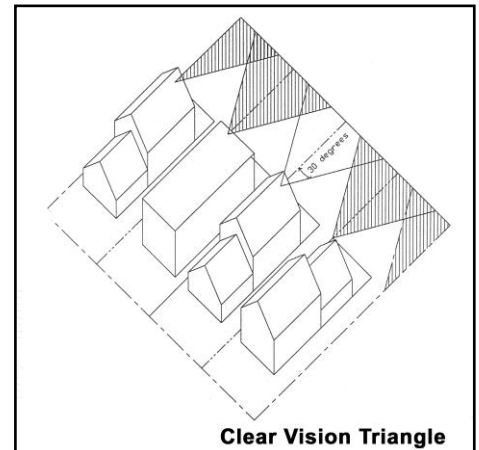
Section 5.201 Front Yards.

- A. **Use.** Any portion of a lot in front of the building line shall be used for ornamental purposes only and nothing shall be placed thereon except porches, fences, trees, shrubs or items of similar nature.
- B. **Modification of Required Front Yard.** When the average front yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum front yard requirement specified in Section 5.101 (Table of Dimensional Standards by District), the required front yard of such lot shall be modified. The modified front yard shall be equal to the average of the front yard setbacks of those lots located within 200 feet to either side of such lot. If a corner lot, the average shall only consider those lots within 200 feet to one direction, within the same block. (Amended 2008).
- C. **Corner lots.** Buildings and structures located on corner lots shall comply with the minimum front yard setback requirements from all road rights-of-way. Such lots shall be deemed to have two (2) front yards, for the purposes of this Ordinance.
- D. **Double frontage lots.** Where a block of double frontage lots exist, one (1) road may be designated by the Zoning Administrator as the front road for all lots in the block, otherwise all buildings and structures located on such lots shall comply with the minimum front yard setback requirements from all road rights-of-way.

Section 5.202 Waterfront Yards.

The following standards will apply to all new residential development with frontage on Marble Lake or First Lake, any other Lake in the Township, or any of their canals.

- A. **Waterfront Yard Setbacks.** For the purpose of determining the required setback for a lot located on a waterway, a fifty (50) feet minimum waterfront yard setback is required.
- B. **Modification of Waterfront Yard Setbacks.** When the average waterfront yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum waterfront yard requirement specified above, the required waterfront yard of such lot shall be modified. The modified waterfront yard shall be equal to the average of the waterfront yard setbacks of those lots located within 200 feet to either side of such lot. (Amended 2008)
- C. **Fences.** Fences shall not be permitted within the waterfront yard.
- D. **Clear Vision Triangles.** Each lot shall maintain clear vision triangles along both side lot lines between the waterfront yard setback and the shoreline. The area within clear vision triangles



shall be maintained free of recreation vehicles, waterfront structures, accessory buildings, and plant material over the height of three (3) feet.

Clear Vision triangles shall be bounded by the following sides:

1. The side lot line;
2. The shorelines; and
3. A line that commences at the intersection of the side lot line and waterfront yard setback and runs toward the shoreline at a thirty (30) degree angle from the side lot line.

Section 5.203 Rear Yards.

- A. In all districts where alleys exist, the measurement of the rear yard setback for primary buildings may include one-half (1/2) the width of the alley.
- B. **Modification of Required Rear Yard.** When the average rear yard setback of the existing primary structures on two or more lots located within 200 feet of either side of a lot in the Lakeside Residential (R-1) District is less than the minimum rear yard requirement specified in Section 5.101 (Table of Dimensional Standards by District), the required rear yard of such lot shall be modified. The modified rear yard shall be equal to the average of the rear yard setbacks of those lots located within 200 feet of such lot. If a corner lot, the average shall only consider those lots within 200 feet to one direction, within the same block. (Ord. XX-08, XX/2008)

Section 5.204 Height Exceptions.

- A. **Residential Exceptions.** Chimneys, elevator towers, mechanical equipment and similar structures shall not be included in calculating the height of the primary building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.
- B. **Public/Semi-Public Exceptions.** Church spires, public monuments, and water towers shall not be included in calculating the height of the primary building.
- C. **Farm Exceptions.** Barns, windmills, silos, and other structures related to agriculture production shall not be subject to height regulations and as such, shall not be included in calculated the height of the primary building.

Section 5.205 Permitted Yard Encroachments.

- A. **Architectural features.** Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features may project no farther than three feet (3') into a required front yard, five feet (5') into a required rear yard or waterfront yard, and two feet (2') into a required side yard.
- B. **Porches, decks and patios.** An unenclosed deck, balcony, porch, patio or window awning may project up to eight feet (8') into a required front yard, and up to twelve feet (12') into a required rear yard or waterfront yard. Projection into a required side yard shall be prohibited. In no case shall a deck, balcony, porch, patio or window awning be placed closer than five feet (5') to any property line.

Section 5.206 Continued Conformity With Yard and Bulk Regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 5.207 Lot Size in Agriculture (A) District

Creation of lots or parcels that are less than forty (40) acres may be permitted in the following instances:

- A. When the lot or parcel that is less than forty (40) acres is an entire quarter-quarter section or a half of a half of a quarter section, or
- B. When the land division creation the new lot or parcel would permit use of the land in accordance with the purposes of the Agriculture (A) District (see Section 2.103) and with the Township Master Plan, and where the existing parent parcel being divided is between seventy-four (74) and eighty (80) acres. In this instance, a lot or a parcel being created through land division may be as small as thirty-five (35) acres.

Section 5.208 Dwellings Per Lot, Parcel, or Building Site

No more than one dwelling shall be permitted per lot, parcel, or building site unless otherwise permitted under the provisions of this Ordinance (Amended 2006).

CHAPTER 3 GENERAL DIMENSIONAL STANDARDS

Section 5.301 Standard Methods of Measurement.

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

- A. **Overhangs.** When the overhang is twelve inches (12”) or less, not including the gutter, setback measurements shall be taken from the outside wall of the building. When the overhang exceeds twelve inches (12”), not including the gutter, setback measurements shall be taken from the edge of the overhang.
- B. **Building coverage.** Accessory buildings (attached or unattached) and other structures, porches, patios and decks shall be deemed a part of the primary building for the purpose of determining compliance with the building coverage requirements of this Ordinance.
- C. **Grade.** The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:
 - 1. **Average grade.** The arithmetic average of the lowest and highest grade elevations in an area within five feet (5’) radius of any point on a site.
 - 2. **Finished (building) grade.** The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.
- D. **Buildable lot area, open space and recreation area calculations.** In calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot, parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.
 - 1. Lakes, ponds, state or federally regulated wetlands, overhead utility easements, public road right-of-ways and private road easements are excluded from area calculations for buildable lot area.
 - 2. Areas lying within a delineated wetland area or drain easement be considered or counted for more than twenty percent (20%) of the total minimum open space requirement of this Ordinance.
 - 3. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this Ordinance.
- E. **Floor area.** Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:

1. **Gross floor area (GFA).** 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 buildings, including a basement floor area where more than one-half (½) of the basement height is above the established lot grade at the building.
2. **Usable floor area (UFA).** Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry areas - see illustration on page 5-2). Usable floor area shall have a minimum clear height of four feet (4') or more.

Section 5.302 Area and Yard Regulations.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located unless approved by the Township in conformance with the Open Space Preservation Option standards or the Nonconforming Lots of Record regulations described herein. No new lot shall be created unless said lot complies with all of the dimensional standards (including lot area and width) of the zoning district where it is located. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. Exceptions to this standard shall be granted only in those instances when the Township has approved a development option using the Open Space Preservation standards or the Nonconforming Lots of Record regulations. (Amended 2004)

Section 5.303 Frontage and Access Required.

No zoning permit shall be issued for any use located on any lot or parcel of land in the Township created after the effective date of this Ordinance that does not abut and have adequate frontage on and access to an approved road of the Branch County Road Commission. (Ord. 07-04, 11/3/2004)

Section 5.304 Building Grades.

No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.

Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the structure. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.

A sloping earth grade shall be maintained and established from the center of the front line to the finish grade line at the building front and from the rear wall of the buildings to the rear lot line. The height of the finish grade line of any dwelling shall not be less than twelve inches (12") nor more than eighteen inches (18") above the curb or crown of the abutting road measured from the center of the front of the building.

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to prevent run-off of surface water flowing onto the adjacent properties.

ARTICLE 6 DESIGN STANDARDS FOR SPECIFIC USES

CHAPTER I: ANIMAL AND AGRICULTURAL USES

Section 6.101 **Animal Uses**

- A. All new and expanding animal uses involving more than 50 animal unit equivalents, as defined by the Michigan Department of Agriculture (see table below), are subject to site plan approval and must comply with Generally Accepted Agricultural and Management Practices (GAAMPs) For Site Selection and Odor Control for New and Expanding Livestock Production Facilities as adopted by the Michigan Department of Agriculture. All potential sites for new and expanding livestock facilities must follow the MDA site selection review and verification process and must submit a letter of conformance with the GAAMP for Site Selection and Odor Control for New and Expanding Livestock Production Facilities from MDA prior to site plan approval.

Animal Units	50	250	500	750	1,000
Animal Type	Number of Animals				
Slaughter and Feeder Cattle	50	250	500	750	1,000
Mature Dairy Cattle	35	175	350	525	700
Swine (<i>over 55 pounds</i>)	125	625	1,250	1,875	2,500
Sheep and Lambs	500	2,500	5,000	7,500	10,000
Horses	25	125	250	375	500
Turkeys	2,750	13,750	27,500	41,250	55,000
Laying Hens or Broilers	5,000	25,000	50,000	75,000	100,000

(All other animal classes or types of sizes (e.g., Nursery Pigs) not in this table are to be calculated as one thousand pounds live weight equals one animal unit.)

- B. Disposal or slaughtering of animals is prohibited except where the animals have been raised on the premises for consumption by residents of the premises.
- C. Manure shall be stored in a manner that minimizes odor and run-off. Consideration should be given to partial paving of confinement areas, storage ponds, and other Accepted Agricultural Practices (GAAMPs) regarding runoff control. When manure from confinement manure storage pits or holding areas is removed it shall be incorporated, knifed in, or disposed of in a reasonable manner following GAAMPs and taking into account the season of the year and wind direction. Sufficient area to permit proper incorporation or disposal of manure shall be provided. Manure shall not be applied and left on the soil surface in any area that is within 150 feet of surface water.

Section 6.102 Milling and Processing of Agriculture & Forestry Products

- A. All milling and processing of agricultural products shall comply with the performance standards in Section 8.107 (Performance Standards).
- B. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or due to operation. Such uses shall also be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining premises.
- C. Any outdoor storage resulting from milling or processing must be adequately screened and covered in compliance with Section 6.603 (Outdoor Storage).
- D. Milling and processing of agricultural product uses located close to residential uses may be limited in hours of operation as determined by the Planning Commission.

Section 6.103 Riding Arenas and Boarding Stables.

All stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals shall meet the following requirements:

- A. **Minimum Lot Size and Setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than one hundred feet (100') from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall be located not less than one hundred feet (100') from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.
- B. **Performance Standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 6.104 Kennels and Animal Shelters.

- A. **Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
- B. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- D. **Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least fifty feet (50') from dwellings on adjacent lots.

Section 6.105 Veterinary Clinics.

- A. **Setbacks.** Structures shall be set back at least twenty feet (20') from all side and rear property lines, and at least fifty feet (50') from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.

- B. **Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Section 11.04 (Methods of Screening and Buffering) to buffer street rights-of-way and adjacent residential districts or uses.
- C. **Operating Requirements.** The clinic shall be operated by a licensed or registered veterinarian. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 6.104 (Kennels and Animal Shelters). All activities shall be conducted within an enclosed building.
- D. **Performance Standards.** All veterinary clinics shall comply with the following:
 - 1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
 - 2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 7:00 a.m.

CHAPTER II: RESIDENTIAL USES

Section 6.201 Accessory Apartments.

- A. **Sketch Plan Review Required.** The applicant shall provide a sketch plan and building elevations for Planning Commission review and approval.
- B. **Apartments Accessory to Detached Single-Family Dwellings.** To assist in accommodating the needs of the growing number of senior citizens and other individuals with special needs for temporary housing close to relatives while preventing the undesirable proliferation of permanent two-family units in single family neighborhoods, it is the intent of this Section to permit apartments accessory to and within primary single-family dwellings the A, R-1 and R-2 zoning districts:
1. All accessory apartments shall be located entirely within the principal building. Accessory apartments shall be prohibited in any accessory structures.
 2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to accessory apartments shall be limited to a common front entrance foyer, or a separate entrance door on a side façade wall.
 3. The principal building shall be occupied by the owner of the property, and not more than twenty five percent (25%) of the principal building shall be occupied by accessory apartments.
- C. **Apartments Accessory to permitted OFFICE AND SERVICES USES or COMMERCIAL USES.** Accessory apartments shall be contained entirely within the primary building, and shall occupy no more than fifty percent (50%) of the gross floor area of the building. Each accessory apartment shall have separate kitchen, bath and toilet facilities and a private entrance (where there is more than one (1) accessory apartment in a building, such entrances may be provided from a common hallway).

Section 6.202 Bed and Breakfast Inns.

- A. **Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- B. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of fifteen (15) guests at any given time. Guests may stay no longer than fourteen (14) days in succession or a total of sixty (60) days in any twelve (12) month period. Off-street parking areas shall be provided in accordance with Article 9 (Off-street Parking and Loading) outside of any required front yard.
- C. **Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Section 11.04 (Methods of Screening and Buffering).

Section 6.203 Farm Labor Housing

The dwelling units for non-related employees of farms shall comply with the standards for accessory apartments or multiple family dwellings and developments, as appropriate to the type of construction proposed. All structures for farm labor housing shall comply with the schedule of regulations for the zoning district where they are located and the provisions of any state laws regulating farm labor or migrant labor housing. The provisions of this section shall apply to dwelling units for seasonal employees that do not meet the definition of farm labor housing.

Section 6.204 Family and Group Child Day Care Homes.

- A. A group day care home shall be issued a special use permit if the facility meets all of the following standards:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or a large group home licensed under the adult foster care facility licensing act.
 - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.
 - d. A community correction center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Has a minimum of a four (4) foot, climb resistant fence bordering the outdoor play area.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation within a 24 hour period. Quincy Township reserves the right to limit the operation between the hours of 10:00 p.m. and 6:00 a.m., although it cannot be prohibited.
 - 5. All signs meet the requirement of Article 12 of this Ordinance.
 - 6. Meets the off-street parking requirements of Article 9 of this Ordinance.
- B. Family Child Day Care Homes shall be considered permitted uses wherever single-family residential uses are permitted.

(Amended 2007)

Section 6.205 Home Occupations.

- A. **Intensity of Use.** Home occupations must be conducted within a principal dwelling unit and permitted accessory structures, and shall not occupy more than twenty-five percent (25%) of the gross floor area of the structures. The exterior of the dwelling shall not be altered from its residential appearance.

- B. **Parking and Loading.** Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers. Deliveries shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
- C. **Performance Standards.** The home occupation shall comply with Section 8.107 (Performance Standards), and the following:
1. Customer or client visits to a home occupation are limited to between the hours of 8:00 a.m. to 8:00 p.m. A home occupation shall not generate more than twenty (20) customer or client visits per week, and no more than two (2) customers or clients may be present at any given time.
 2. The home occupation shall not have non-resident employees on the premises at any time. The number of non-resident employees working exclusively at other locations is not limited.
- D. **Permitted Uses.** The following uses are permitted home occupations. Any home occupation not specifically listed may be permitted as a special approval use, subject to the requirements of Article 16 (Special Land Uses).
1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
 2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
 3. Home office for a massage therapist, subject to the standards of Section 6.303 (Massage Therapy).
 4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
 5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
 6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
 7. Repair services, limited to non-motorized vehicles, including buggies and horseshoeing.
- E. **Prohibited Uses.** The following uses are expressly prohibited as home occupations.
1. Kennels.
 2. Hospitals, medical and dental clinics and veterinary clinics
 3. Any eating and/or drinking establishments.
 4. Automobile, truck, recreation vehicle, boat or small engine repair.

5. Undertaking and funeral homes.
6. Retail sale of merchandise.
7. Adult uses and sexually-oriented businesses.

Section 6.206 Manufactured Housing Parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured Housing Commission General Rules. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, the higher standards of this ordinance are intended to ensure that manufactured housing parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety, and welfare of the Township’s residents. The higher standards incorporated herein have been approved by the Manufactured Housing Commission in accordance with applicable State law. The following minimum requirements are required of all manufactured housing parks:

- A. **Site Plan Review.** Site plans for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The Planning Commission shall take action to approve or deny the site plan, or approve the plan subject to conditions, within sixty (60) days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the sixty (60) day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site. The final construction plan shall comply with the approved site plan and any Planning Commission conditions of approval.
- B. **Minimum Area for a Manufactured Housing Park.** The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
- C. **Minimum Manufactured Housing Site Size.** Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under sub-section “K” of this Section or the Manufactured Housing Commission rules.
- D. **Setbacks.** Manufactured houses shall comply with the following minimum setbacks:
 1. Twenty feet (20’) from any part of an adjacent manufactured house that is used for living purposes.
 2. Ten feet (10’) from any on-site parking space of an adjacent manufactured housing site.
 3. Ten feet (10’) from any attached or detached accessory structure of an adjacent mobile home.
 4. Fifty feet (50’) from any permanent building.

5. One hundred feet (100') from any baseball, softball or similar recreational field.
 6. Ten feet (10') from the edge of an internal road provided that such road is not dedicated to the public. Manufactured houses and other structures in a manufactured housing park shall be set back at least twenty feet (20') from the right-of-way line of a dedicated public road within the park.
 7. Seven feet (7') from any parking bay off a home site.
 8. Seven feet (7') from a common sidewalk.
 9. All manufactured homes, accessory buildings and parking shall be set back not less than twenty feet (20') from any manufactured housing park boundary line, except that a minimum setback of fifty feet (50') shall be provided from the street rights-of-way of public streets abutting the park.
 10. Fifty feet (50') from the edge of any railroad right-of-way.
- E. **Maximum Height.** Buildings in a manufactured housing park shall not exceed two (2) stories or twenty-five feet (25'); storage sheds shall not exceed the height of the manufactured home.
- F. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have direct access to a public street or road by a permanent easement that shall be recorded by the developers. All roads shall be hard-surfaced.
- G. **Parking.** Each manufactured housing site shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules, and a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served. Visitor parking shall be counted and designated separately from all other parking spaces, including those spaces required for employees and any community facility.
- H. **Common storage areas.** A common outside storage area shall be provided for boats, motorcycles, recreation vehicles and similar equipment, and a mini warehouse building may be provided for storage of household goods or equipment. All storage facilities in a manufactured housing park shall be shown on the site plan, and shall be limited to the exclusive use of the manufactured housing park residents. Such storage areas shall be screened from view by an opaque six-foot (6') high wooden fence or six-foot (6') high masonry wall with a landscaped greenbelt consisting of closely-spaced evergreen trees and shrubs, and shall not be located within any required yard on the perimeter of the manufactured housing park. Park owners who prohibit storage of boats, motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.
- I. **Sidewalks.** Concrete sidewalks having a minimum width of three feet (3') shall be provided on at least one side of internal manufactured housing park streets. In addition, a five foot (5') wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.

J. Accessory Buildings and Facilities.

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the County.
3. Each manufactured house shall be permitted one accessory building, up to one-hundred (100) square feet in area. Outside storage on any manufactured housing site or underneath a manufactured house is prohibited.

K. Open Space. Any manufactured housing park containing fifty (50) or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space. Manufactured housing parks with a gross acreage of twenty-nine (29) acres or larger shall dedicate a minimum of two percent (2%) of the gross acreage as contiguous open space. The open space shall be well drained and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

L. Perimeter Landscaping. All manufactured housing parks shall be screened from adjacent residential uses or districts by a decorative masonry wall and a landscaped greenbelt consisting of closely-spaced deciduous and evergreen trees. The required walls shall be placed inside and adjacent to the lot line. Where underground utilities would interfere or where the fence or wall would unreasonably obstruct the use of adjacent property, the fence or wall may be set back from the property line a sufficient distance to resolve such concerns.

M. Street Yard Landscaping. A landscaped greenbelt shall be provided along all public streets abutting the manufactured housing park, which shall comply with the following requirements that are consistent with landscaping required for other types of development in the Quincy Township:

TYPE	STANDARDS	REQUIREMENTS
Deciduous street trees	two and one-half caliper-inch (2½") starting size	1 per 40 lineal feet of road frontage
Evergreen trees	six foot (6') starting height	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	thirty-inch (30") starting size	1 per 3 lineal feet of road frontage

N. Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.

O. Parking Lot Landscaping. Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with

concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of five feet (5') and a minimum area of one hundred (100) square feet. A minimum of one (1) deciduous shade tree shall be provided for each one hundred (100) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.

P. **Trash Dumpsters.** Trash dumpsters shall be provided, and shall comply with the following requirements:

1. Dumpsters shall be set back a minimum distance of fifty feet (50') from the perimeter of the manufactured housing park and at least fifteen feet (15') from any building, in a location that is clearly accessible to the servicing vehicle.
2. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six feet (6') in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
3. Dumpsters shall be placed on a concrete pad which shall extend six feet (6') in front of the dumpster enclosure. Concrete filled metal bollards shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

Q. **Canopies and Awnings.** Canopies and awnings may be attached to any manufactured house and shall comply with the setback and distance requirements set forth in this Article. The installation of canopies and awnings shall require a building permit from the Branch County Building Department.

R. **Travel Trailer/Recreational Vehicles.** Travel trailers, recreational vehicles or those similar in nature, shall not be occupied as a permanent living quarters in a manufactured housing park.

S. **Towing Mechanisms.** Towing mechanisms shall be removed from all manufactured housing dwellings at the time of installation and must meet the design and installation requirements as stated in Manufactured Housing Commission Rule 604, as amended.

T. **Skirting.** All manufactured housing dwellings must be skirted within ninety (90) days of installation and must meet the design and installation requirements as stated in Manufactured Housing Commission Rule 604, as amended.

U. **Water and Sewer Service.** All manufactured housing parks shall be served by water and sanitary sewer approved by the Branch County Health Department. The plumbing connections to each

manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

- V. **Storm Drainage.** All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county, and state regulations, including MDEQ Manufactured Home Park Standards.
- W. **Telephone and Electric Service.** All electric, telephone, cable TV, and other lines within the park shall be underground.
- X. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
- Y. **Operational Requirements.**
 - 1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act, P.A. 96 of 1987, as amended. The County Building Inspector shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Manufactured Housing Division, Michigan Department of Consumer and Industry Services. Additionally, no manufactured housing dwelling shall be placed on a site in an approved manufactured housing park until a building permit has been obtained to approve the manufactured housing dwelling setup on the lot.
 - 2. **Violations.** Whenever, upon inspection of any manufactured housing park, the County Building Inspector finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the County Building Inspector shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Division, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
 - 3. **Inspections.** The County Building Inspector or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein. No manufactured housing dwelling unit shall be occupied until a certificate of occupancy for that dwelling is obtained from the County Building Inspector.
 - 4. **License.** A manufactured housing park shall not be operated until a license has been issued by the Michigan Department of Consumer and Industry Services.
- Z. **Sale of Manufactured Housing.** Selling new or used manufactured houses as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured

housing park has been achieved. Thereafter, new or used manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a licensed dealer or broker, or by a resident of the manufactured housing park provided the park's regulations permit such sale.

- AA. **School Bus and Public Transit Stops.** School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing park developer.
- BB. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least two hundred feet (200') from any intersection of a manufactured housing park road with a public road.

Section 6.207 Multiple-Family Dwellings and Developments.

Multiple-family dwellings and developments shall comply with the following:

- A. **Density.** The maximum density of a multiple-family development shall be eight (8) dwelling units per acre of net lot area.
- B. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width.
- D. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width of six feet (6').
- E. **Parking.** The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Section 11.04 (Methods of Screening and Buffering).
- F. **Open Space.** Open space or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

- G. **Utilities.** All multiple-family dwellings shall be connected to the public sewer and public water system if available. Water and sanitary sewer systems must be approved by the Branch County Health Department
- H. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.208 Single-Family Dwelling, Detached.

Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing parks, may be approved in the A, R-1 and R-2 districts, or by Special Use Permit in the C-2 district, whether developed as a conventional single family subdivision plat or as single-family site condominium projects. Both single family subdivision plats and single-family site condominium projects are subject to site plan review and any local subdivision regulations, if available. In considering any proposals for a development of single-family dwellings, the Township shall make their determinations on the basis of the following criteria.

- A. **Compliance with Applicable Zoning Standards.** The proposed development shall comply with applicable standards of this Ordinance.
- B. **Impact on the Township.** The proposed development shall not have a substantial or undue adverse impact upon adjacent property, the character of the Township, traffic conditions, parking, utilities, and other matters affecting public health, safety, and welfare.
- C. **Design Diversity.** Diversity and originality in layout and building design shall be encouraged to achieve the best possible relationship between the development and the land.
- D. **Impact on Residents.** Individual lots, buildings, units, and parking areas shall be situated to avoid any adverse effects from shadows, noise, and traffic on the residents of the development.
- E. **Impact on Natural Features.** Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features of the site that are intended to be preserved.
- F. **Access to Open Space.** Open space intended for recreation or public use shall be easily accessible to pedestrians and shall meet the needs of the handicapped and elderly.
- G. **Usability of Open Space.** The usability of open space which is intended for recreation or public use shall be determined by the size, shape, and topography of the site and the location requirements of the principal buildings or uses on the site.
- H. **Minimum Floor Area.** The required minimum usable floor area per dwelling unit in each structure shall be as follows:
 - a. Single family detached dwelling – 960 square feet
 - b. Two-family dwelling unit – 960 square feet
 - c. Efficient apartment – 500 square feet
 - d. One bedroom multifamily dwelling unit – 650 square feet
 - e. Two bedroom multifamily dwelling unit – 750 square feet
 - f. Three bedroom multifamily dwelling unit – 900 square feet

- g. Each additional bedroom in a multifamily dwelling unit shall add an additional 100 square feet in required usable floor area.

(Ord. 01-05, 08/2/05).

I. **Single-family Detached Dwellings in the C-2 District.** Single-family detached dwellings are permitted as special land uses in the C-2 District. This is intended to allow the maintenance and reconstruction in case of emergency of existing homes along highway frontage in the Township. It is not intended to create additional residential lots in a commercial district. The special land use approval shall be based on these additional criteria:

- a. A detached single-family dwelling must have existed on the property within the last 24 months.
- b. All units must satisfy the other standards of this section, Section 6.208.
- c. The setback requirements of the C-2 district must be maintained, unless otherwise permitted by the Zoning Board of Appeals.
- d. The property owner shall not create or cause to create the destruction of the property that results in the need for major improvements (greater than 50% of the value). Approval shall be reserved for cases of emergency, catastrophe, or disaster.

(Ord. 01-05, 08/2/05).

Section 6.209 Open Space Preservation Option

Open Space Preservation Developments may be approved in the A, R-1, and R-2 Districts, subject to the standards and review procedures set forth herein.

A. **Purpose.** The purpose of the Open Space Preservation Option is to preserve undeveloped land, thereby maintaining rural character and agricultural lands in the Township. The regulations in this section propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

As used in this section, the term “undeveloped state” shall have the meaning given to it in Section 40, subsection (o), of the Township Zoning Act, Michigan Public Act 184 of 1943, as amended, which states the following:

“Undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use of condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.

(Ord. 08-04, 11/03/2004)

B. **Applicability.** Property in the A, R-1, and R-2 districts may be developed according to the standard conditions and requirements for the zoning district, or it may be developed according to one of the two Open Space Preservation Options described in this section. If an Open Space Preservation Option is selected, the property shall be developed under the conditions and

requirements in this section, other applicable zoning regulations, and other applicable Township ordinances. (Ord. 08-04, 11/03/2004)

C. **Options.** There are two different options for Open Space Preservation available for property owners.

1. **Open Space Preservation Development.** This option is available for properties in the A, R-1, and R-2 zoning districts. Open Space plans seeking density bonuses must go through this process. In order to receive the bonus, the application must be approved by the Planning Commission. For example, a 55 acre lot in the A district hoping to split into more than one (1) residential lot would have to go through this process to receive the density bonus. The typical example would be a multiple-lot clustered home development with valuable open space preserved.
2. **Open Space Preservation Lot Splits.** This option is only available in the A district. It is limited to lot splits that do not take advantage of any density bonuses. If there is no density bonus and the application meets the standards contained below, Planning Commission approval is not required. Only the Zoning Administrator and Township Supervisor must approve the lot split. The incentive here is the ability to split off a lot in the A district that is smaller than 40 acres without having to go through the Planning Commission process. If we again use the 55 acre lot in the A district as an example, the parcel can still be split, but only one (1) developable lot will result using this process.

(Ord. 08-04, 11/03/2004)

D. **Open Space Preservation Development**

1. **Review and Approval Process.** Proposals for Open Space Preservation Development shall be reviewed following the same procedures used for conventional subdivisions or condominium proposals, except that the applicant shall complete a site features inventory prior to development. This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: active agriculture areas, existing vegetation, topography at two foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site. The Zoning Administrator shall have the discretion to modify these requirements based on the characteristics of the site and/or the scope of the development. However, if they felt it was necessary, the Planning Commission could request that exempted work be completed in order to conduct their review.
2. **Permitted Density Bonus.** The overall density of residential uses, including existing residential units, in an Open Space Preservation Developments shall not exceed the Permitted Density Bonus as specified in the following chart:

Zoning District	Permitted Density Under Conventional Zoning	Permitted Density Bonus With Open Space Development
R-1	7.26 units/acre	10 units/acre
R-2	5.49 units/acre	7.5 units/acre
A	.025 units/acre	1 units/20 acres

The permitted density in the Open Space Development shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent the construction of a building or use of the site for residential purposes.

To assist the Planning Commission in determining the net buildable area, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

Modifications permitted under the Open Space Preservation Development option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.

3. **Permitted Uses.** In order to achieve the permitted density in the R-1 and R-2 districts, two family or duplex dwellings, townhouses, stacked flats, and multi-family developments shall be permitted in Open Space Preservation Developments. However, in the R-1 district, these uses shall require a special use permit.

4. **Dimensional Standards.**

a. **Setbacks.** Open Space Preservation Developments shall comply with the following minimum yard setback requirements:

Building Setbacks

Along perimeter adjacent to public road 50 ft.
(100 ft. in A District)

Along perimeter, but not adjacent to a road 35 ft.
(50 ft. in A District)

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principals, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

Parking Lot Setbacks

Along perimeter adjacent to a public road 50 ft.

Along perimeter but not adjacent to a road 20 ft.

Waterfront/wetland setback of building and parking lots from lakes ponds, steams and wetlands 50 ft.

Docks, bulkheads, patios, terraces, gazebos, and pathways shall be permitted within the 50 ft. waterfront/wetland setback, subject to review and approval by the Township.

- b. **Minimum Lot Size.** The minimum lot size for Open Space Preservation developments in the A District shall be one (1) acre. There shall be no required minimum lot size for such developments in the R-1 and R-2 districts, with the exception of any requirements of the Branch County Public Health Department based on the method of sanitary sewage disposal chosen for the development.
 - c. **Distances between Buildings.** Any detached single family structure shall be located at least twenty (20) feet from any other detached single family structure or accessory structure located on adjacent property in the R-1 and R-2 Districts. All detached single-family structures shall be located at least thirty (30) feet from any other detached single-family structure or accessory structure located on adjacent property in the A District.
 - d. **Height Standards.** Buildings in an Open Space Preservation Development shall comply with the height standards for the district in which the development is located.
5. **Open Space Requirements.** Open Space Preservation Developments shall provide and maintain open space in an undeveloped state, as defined in paragraph A above. The Planning Commission may determine that a public park or a public facility is appropriate and should be located in the open space areas of Open Space Preservation Developments. Open space provided in Open Space Preservation Developments shall comply with the following standards:

- a. Open Space Preservation Developments shall reserve open space in the following quantities:

Zoning District	Required Open Space Reserved
R-1	25%
R-2	25%
A	75%

- b. Open space shall be located on the parcel to meet the following objectives:
 - (1). To preserve distinct natural features, scenic or wooded conditions, and rural characteristics.
 - (2). To preserve farmland.
 - (3). To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
 - (4). To maintain open, rural character along main roads.

In addition, no more than twenty-five (25%) percent of the required open space in the A district and no more than fifty (50%) percent of the required open space in the R-1 and R-2 districts may be developed with children’s play facilities,

picnic facilities, trails, public parks and similar passive recreational facilities, or public facilities (schools, government facilities) to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

- c. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
 - d. The required open space shall be set side by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
 - (1). Indicate the proposed use(s) of the required open space.
 - (2). Provide for the privately owned open space to be maintained by private property owners having an interest in open space.
 - (3). Provide maintenance standards and a maintenance schedule.
 - (4). Provide notice of possible assessment to the private property owners by the Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
 - (5). After approval from the Township, the developer shall record the conveyance with the Branch County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township.
6. **Building Location.** Where feasible, Open Space Preservation Developments shall comply with the following building location requirements. Modification of these location requirements may be approved by the Township Planning Commission as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.
- a. Clustering of the buildings is required.
 - b. Buildings shall be located on the edge of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.
 - c. Buildings shall not be located on the tops of ridgelines or in areas with slopes that exceed 35 percent.
 - d. Building shall not be located in wetlands or floodplains

- e. Building shall be set as far back from public roads as possible to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing plantings behind or within a woodlands or tree line that screens the buildings from the road.
7. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation Developments. Accordingly, Open Space Preservation Developments shall comply with the following standards:
- a. In the A Zoning District, public or private road intersections with section line roads (driveways) shall be a minimum of 800 feet apart.
 - b. No private roads shall be created as part of the development of Open Space Preservation Developments. All internal roads shall be public roads, developed according to the standards of the Branch County Road Commission, and approved by the Road Commission.
 - c. Roads shall follow existing contours to minimize the amount of cut and fill.
 - d. Where sites include linear features, such as tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
 - e. Roads shall not be located in open fields.
8. **Storm Water Management.** Existing natural drainage shall be maintained to the maximum extent feasible. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
9. **Landscaping and Lawns.** Open Space Preservation developments should provide landscaping and lawns that fit the natural environment and meet the following conditions:
- a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
 - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
 - c. Where landscaping is proposed, species native to Michigan shall be used.
10. **Existing Structures.** When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as historic farmhouses, barns, and other farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential use shall be permitted.

(Ord. 08-04, 11/03/2004)

E. **Open Space Preservation Lot Splits.**

1. **Purpose.** The purpose of the Open Space Preservation Lot Split option is to allow land owners in the A district an opportunity to create parcels smaller than 40 acres while protecting the rural character, maintaining the overall density of 1 unit per 40 acres, and preserving farmland and natural features.
2. **Review and Approval Process.** Proposals for Open Space Preservation Lot Splits shall be reviewed following the same procedures used for land division as provided in the Township Subdivision Control Ordinance. The Zoning Administrator shall have the discretion to require a site features inventory be completed prior to development based on the characteristics of the site. This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: active agriculture areas, existing vegetation, topography at two foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site.
3. **Dimensional Standards.**
 - a. **Setbacks.** Setbacks for lots created through the Open Space Preservation Lot Splits process shall conform to minimum setback requirements of the A zoning district as provided in this Ordinance.
 - b. **Minimum Lot Size.** The residential lot(s) shall have a minimum lot size of one (1) acre provided all of the other standards of the Zoning Ordinance, including setbacks and lot width, are satisfied.
 - c. **Height Standards.** Buildings in an Open Space Preservation Lot Split shall comply with the height standards for the A district as provided in this Ordinance.
4. **Open Space Requirements.** Open Space Preservation Lot Splits shall provide and maintain open space in an undeveloped state as defined in paragraph A above. Open space provided in Open Space Preservation Lot Splits shall comply with the following standards:
 - a. There shall be a minimum of 75% of the site reserved for open space.
 - b. Open space shall be located on the parcel to meet the following objectives:
 - (1). To preserve distinct natural features, scenic or wooded conditions, and rural characteristics.
 - (2). To preserve farmland.
 - (3). To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
 - (4). To maintain open, rural character along main roads.

In addition, no more than twenty-five (25%) percent of the required open space may be developed with children’s play facilities, picnic facilities, trails, public parks and similar passive recreational facilities, or public facilities (schools, government facilities), provided that all such facilities shall be compatible in design with other open space requirements and objectives.

- c. Required open space shall not include the area of any public or private road, the area of any easement provided access to the site, the area of any commercial recreation use (such as a golf course), or the area of any storm water retention or detention pond.
- d. The open space lot shall be labeled as such on the drawing or plan submitted with the lot split request. The following language must be attached to the deed or included as a deed restriction:

“Land division approved pursuant to Section 6.209 of the Township Zoning Ordinance on the condition that the area on the site plan identified as “open space” remain permanently in an “undeveloped state” as defined by Section 6.209 of the Zoning Ordinance and Section 40, subsection (o) of the Township Zoning Act, Michigan Public Act 184 of 1943, as amended.”

Before approving the lot split and sending the deed to the County, the Supervisor must check to confirm that this requirement has been fulfilled. If the language has not been properly attached, then the land division cannot be approved.

- 5. **Building Location.** Where feasible, Open Space Lot Splits shall comply with the following building location requirements. Modification of these location requirements may be approved by the Zoning Administrator as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features of conditions.

- a. If there is an existing residence, a residential lot shall be located at that site.
- b. If there is not an existing residence within the entire development area, the following guidelines shall be used when determining where to locate the home site(s):
 - (1). The development of the residential lot(s) shall have the least possible impact on the natural features of this site and the surrounding area.
 - (2). The home(s) shall be located so as to maintain the rural character of the area.
 - (3). If there is a pattern or consistency to the location of neighboring houses on adjacent properties along the same street, the house(s) shall be located so as to continue the same pattern along the streetscape.
 - (4). Buildings shall not be located in wetlands or floodplains, nor shall they be located on steep slopes that exceed 35% or on tops of ridgelines.

- (5). If there is more than one residential lot, they shall be clustered together.
6. **Roads and Driveways.** The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation Lot Split areas. Accordingly, such developments shall comply with the following standards:
- a. Public or private road or driveway intersections with section line roads shall be a minimum of 800 feet apart.
 - b. For developments of two (2) residential lots or fewer, a shared, private driveway shall be acceptable for access. Only one (1) access point will be permitted onto adjacent County or section line roads.
 - c. If two (2) houses are sharing a driveway and are located on opposite sides of the driveway, there must be a minimum separation between the houses of 166 feet. This will allow the driveway to be converted to public standards in the future and allow each house to conform to setback standards.
 - d. For developments of three (3) or more residential lots, all internal roads shall be public roads developed according to the standards of the Branch County Road Commission and approved by the Road Commission.
 - e. If a development of two (2) or fewer lots is expanded to more than three (3) lots, the private drive must be brought up to public standards. If there is not enough room to accommodate the improvement and satisfy the required setback standards, a new road must be built.
 - f. All roads shall follow existing contours to minimize the amount of cut and fill.
 - g. Where sites include linear features, such as tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
 - h. Roads shall not be located in open fields.
7. **Storm Water Management.** Existing natural drainage shall be maintained to the maximum extent feasible. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
8. **Landscaping and Lawns.** Open Space Preservation Lot Splits should provide landscaping and lawns that fit the natural environment and meet the following conditions:
- a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
 - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.

- c. Where landscaping is proposed, species native to Michigan shall be used.
- 9. **Existing Structures.** When a parcel contains existing structures deemed to be of historic, cultural, or architectural significance (such as historic farmhouses, barns and other farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential use shall be permitted.

(Ord. 08-04, 11/03/2004)

Section 6.210 Townhouses and Stacked Flats.

Townhouses and stacked flats shall comply with the following:

- A. **Density.** The maximum density of a townhouse or stacked flat development shall be seven (7) dwelling units per acre, exclusive of any land area occupied by water bodies.
- B. **Building layout and architecture.** The following architectural standards shall be met for all structures:
 - 1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of seventy-five percent (75%) of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six feet (6') in width and depth, and seventy (70) square-feet in area.
 - 2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of twenty feet (20') and shall be located within a minimum thirty-foot (30') wide private access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.
- D. **Pedestrian circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at least six feet (6') wide.
- E. **Recreation Area.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross total area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and

conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

- F. **Utilities.** All townhouse and stacked-flat dwellings shall be connected to the public sewer and public water system, if available. Sewer and water systems must be approved by the Branch County Health Department.
- G. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.211 Two-Family Dwellings (Duplexes).

The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door on the front facade is prohibited. The primary entrance for the second dwelling unit may be located on a sidewall, or both units may share a common entrance on the front façade.

Section 6.212 Manufactured Dwellings Outside Manufactured Housing Parks

Manufactured dwellings shall be permitted in all zoning districts wherein conventionally on-site built single-family dwellings are a principal use, subject to the following standards, which are intended to establish Township aesthetic standards for manufactured houses in a reasonable code and assure that the manufactured dwelling will compare favorably with site-built housing in size, safety and attractiveness.

Manufactured dwellings located outside manufactured housing parks shall:

- A. Comply with all the minimum requirements of Section 5.101, Table of Dimensional Requirements by District.
- B. Contain a minimum core living area, a minimum width of 14 feet along all exterior elevations, and a minimum and a minimum interior floor to ceiling height of seven and one-half (7 ½) feet; (Ord. 02-05, 8/2/05; Amended 2010)
- C. Fit into one of the following two categories:
 - 1. The unit shall be new and certified by the manufacturer or appropriate inspection agency as meeting the most current Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
 - 2. The unit shall be used and certified by the manufacturer or appropriate inspection agency as meeting the standards cited above, and found, on inspection by the Zoning Administrator or his designee, to be in excellent condition, free from housing maintenance or blight violations, and safe and fit for residential occupancy. (Amended 2010)
- D. Be firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling

and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured dwelling, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above;

- C. Be so placed and situated so that all wheels shall be removed and the towing mechanisms, underside, or chassis of mobile homes shall be completely enclosed and connected to the foundation;
- E. Be connected to public sewer and water service or to private facilities approved by the Branch County Health Department.
- F. Have no additions of rooms or other areas that are not constructed with similar materials, appearance, and quality of workmanship as the original structure, including foundation and permanent attachment to the principal structure;
- G. Be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1979, as amended;
- H. Be aesthetically compatible in design and appearance with on-site built homes; and include the following dwelling unit elements:
 - 1. Front and rear or front and side exterior doors;
 - 2. Permanently attached steps or porch where a difference in elevation requires same; and
 - 3. A pitched roof;
- I. Have construction commenced only after a building permit has been obtained in accordance with the County Building Code;
- J. Be placed upon the site in such a way that its design and appearance shall be compatible with single-family dwellings constructed on-site in compliance with the district's zoning regulations.
- K. The foregoing standards shall not apply to a manufactured single-family dwelling located within a licensed manufactured home park except to the extent required by State law or otherwise specifically set forth in the Township ordinance pertaining to such parts.
- L. Any use of manufactured dwelling for other than a single-family dwelling is not permitted, such prohibition shall include: motels, row houses, apartments, use for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple (including two-family) family dwellings and similar non-single family residential uses.

Section 6.213 State Licensed Residential Facilities

- A. State licensed residential adult and child care facilities, as defined in Article 25 of this Ordinance, are allowed in Quincy Township as provided for below.
- B. State licensed residential facilities providing care to 6 or fewer persons for a period of 24 hours a day for multiple days shall be considered residential uses of land for zoning purposes and shall be a permitted use in all zoning districts permitting single family residential uses.

- C. State licensed residential facilities providing care to 7 or more persons for a period of 24 hours a day or providing care to persons for less than 24 hours a day shall be considered a special land use in all residential zoning districts, the agriculture district, and the C-2 – general commercial district, subject to the following standards:
1. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum size of four hundred fifty (450) square feet per unit.
 2. **Separation Requirements.** No facility shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single area, or in the Township overall.
 3. **Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
- D. Group Child Day Care Homes and Family Child Day Care Homes shall be governed by Section 6.204 of this Ordinance.

(Amended 2007)

CHAPTER III: OFFICE AND SERVICE USES

Section 6.301 Funeral Homes, Mortuaries and Crematoriums.

- A. **Parking and Circulation.** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- B. **Screening.** The service and loading area shall be screened from adjacent residential zoning districts in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Accessory Uses.** A caretaker's residence may be provided as an accessory use on the site.

Section 6.302 Hospitals.

- A. **Setbacks and Screening.** All structures shall be set back a minimum of one hundred feet (100') from adjacent residential districts and uses. The Planning Commission may reduce the setback requirements in exchange for enhanced screening. Ambulance and delivery areas shall be screened from view of all residential districts and uses with a masonry wall.
- B. **Access.** All ingress and egress must be directly to a paved road.
- C. **Accessory Uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.

Section 6.303 Massage Therapists.

Massage therapy clinics and uses shall be subject to the following conditions:

- A. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
- B. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
- C. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

Section 6.304 Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing.

- 4. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
- 5. **Separation Requirements.** No foster care group home shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single area, or in the Township overall.

6. **Access.** All access shall be from a paved road. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public roads.
7. **Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the State of Michigan, or twenty-five percent (25%) for non-licensed nursing care and supportive care units.
8. **Accessory Uses.** Accessory retail, restaurant, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

Section 6.305 Tattoo Parlors and Body Piercing Studios

Any such establishment must be located at least one thousand feet (1,000') from all other body piercing studios and tattoo parlors, and from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses.

Section 6.306 Video Rental Establishments.

- A. The display of audiovisual media (videotapes, DVDs, CD-ROMs and the like) having as a dominant theme specified sexual activity or specified anatomical areas shall be physically separated from all other audiovisual media and materials in a completely enclosed room subject to the following:
 1. The room shall have only one (1) door for ingress and egress by patrons.
 2. Signage outside of the room shall indicate that adult audiovisual media are displayed and shall state that no one under the age of eighteen (18) is permitted.
- B. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented audiovisual media for rental or sale may be used for over the counter purchases by patrons. This requires that all audiovisual media be stored behind the sales counter or in a separate, enclosed storage area until rented or purchased.

CHAPTER IV: COMMUNITY USES

Section 6.401 Cemeteries

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

- A. **Location.** No portion of any cemetery that is located in a wetland or within the 100 year flood boundary shall be developed or platted for grave sites.
- B. **Accessory Building.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
- C. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located with a cemetery shall be setback a minimum of four hundred (400) feet from the boundary line of any residential district.

Section 6.402 Churches, Temples and Other Places of Worship.

- A. **Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of forty-five feet (45'), provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than twenty percent (20%) of the roof area of the building.
- B. **Screening.** Screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering) where the site abuts a residential district or use.
- C. **Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, preschools, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. **Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over five hundred (500) persons in accordance with Section 1.12 (Impact Assessments).

Section 6.403 Public Utility and Essential Service Structures and Uses.

- A. **Need.** Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.
- B. **Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of twenty feet (20') from all lot lines.
- C. **Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering).

- D. **Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding area character.

Section 6.404 Recreation, Indoor and Outdoor (Excluding Public Parks).

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions and band shells.
- B. **Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- C. **Setback Requirements.** No structure or spectator seating facility shall be located within fifty feet (50') of a property line, nor within two hundred feet (200') of any residential district or use. Pools shall be at least one hundred feet (100') from any residential zoning district.
- D. **Performance Standards.**
1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
 2. A plan to control loitering and litter shall be provided.
 3. Recreation uses shall comply with Section 8.107 (Performance Standards).
 4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.

CHAPTER V: COMMERCIAL USES

Section 6.501 Automobile, Truck and other Motor Vehicle Service Centers (Minor Repair), Repair Stations (Major Repair) and Fueling (Gas) Stations.

- A. **Setbacks.** Pump island canopies shall be setback a minimum of twenty feet (20') from any right-of-way line. Fuel pumps shall be located a minimum of thirty feet (30') from any right-of-way line.
- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
- C. **Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. **Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure and in compliance with the external lighting standards of this Ordinance.
- E. **Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary Vehicle Storage.** The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding thirty (30) days for repair stations and twenty-four (24) hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
- H. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering). All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
- I. **Traffic Impacts and Pollution Prevention.** The Planning Commission may request a traffic impact study in accordance with Section 1.12 (Impact Assessment) and a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

Section 6.502 Car Washes.

- A. **Setbacks.** All car washes shall have a minimum front yard setback of thirty feet (30'). All buildings shall maintain a fifty foot (50') setback from any residential district or use.
- B. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site.
- D. **Traffic Impacts.** A traffic impact study shall be provided in accordance with Section 10.04 (Traffic Impact Studies).

Section 6.503 Drive-in or Drive-through Lanes, Facilities or Establishments.

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. **Location.** Sites must abut a major road, with all ingress and egress directly to such road.
- B. **Access and Traffic.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or pedestrian crossings. All maneuvering areas and stacking lanes shall be located within the site. The Planning Commission may request that the applicant provide a traffic impact assessment in accordance with Section 1.12 (Impact Assessment).
- C. **Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- E. **Menu boards.** Menu boards may be erected, subject to the following:
 - 1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from the street right-of-way or adjacent properties.
 - 2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 - 3. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square-feet.

Section 6.504 Golf Courses, Country Clubs, and Driving Ranges

- A. **Setbacks.** The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.

1. **Golf Courses.** The minimum width for all fairways shall be one hundred (100) yards subject to review by the Planning Commission. Golf course fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
 2. **Driving Ranges.** The minimum length of a driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be setback at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. Netting is prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
- B. **Access.** Golf courses and Country clubs shall have direct access to onto a paved public road.
- C. **Screening.** Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards.** Site size shall be sufficient to retain errant balls within the site. The Planning Commission may restrict lighting and hours of operation.
- E. **Site Plan Requirements.** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.

Section 6.505 Hotels and Motels.

- A. **Access.** All ingress and egress shall be directly to a paved road. Secondary building entrances and exterior room entrances shall not face a residential district or use.
- B. **Minimum Unit Size.** There shall be a minimum of two hundred fifty (250) square feet of area per unit, and each unit available for rental shall contain a bathroom of not less than thirty-five (35) square feet, at least one bedroom with not less than one hundred fifty (150) square feet and a closet of not less than eight (8) square feet.
- C. **Additional Requirements.** The hotel or motel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached dining room with seating capacity for at least twenty (20) occupants or an unattached restaurant with seating capacity for not less than fifty (50) occupants located directly adjacent to the or hotel.

Section 6.506 Outdoor Eating Areas and Sidewalk Cafés.

All outdoor eating areas and sidewalk cafes shall be accessory to a permitted restaurant use in the zoning district.

Section 6.507 Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Farm Equipment, Machinery, Automobiles and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware, and Other Items.

- A. **Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of ten feet (10') from any parking area, driveway or access drive, and twenty feet (20') from any street right-of-way. No outdoor sales area shall be located within fifty feet (50') of any residential district or use.

- B. **Sidewalk Standards.** A minimum of six feet (6') of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
- C. **Performance Standards.** Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
- D. **Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. **Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- F. **Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Section 11.04 (Methods of Screening and Buffering). A six foot (6') fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Section 6.508 Package Liquor Stores.

These regulations are intended to minimize potential adverse impacts from stores that sell packaged beer, wine and liquor on adjacent uses and the quality of life and property values of abutting residential neighborhoods, where a concentration of such stores may disrupt business investment, increase crime or contribute to blight in the surrounding area. Stores that sell packaged beer, wine and liquor shall be set back a minimum of one thousand feet (1,000') from any other store that sells packaged beer, wine and liquor, all churches, temples and other places of worship, all child care facilities, schools, parks and hospitals, and all adult use or sexually-oriented businesses. The separation distance between uses shall be measured horizontally between the nearest point of each property line.

Section 6.509 Pawnshops and Dealers of Second Hand Merchandise (except for used or vintage clothing and children's goods).

- A. **Separation Requirements.** Pawnshops and retail establishments that deal in second hand, used, or damaged goods, wares or merchandise shall be located at least:
 - 1. Five hundred feet (500') from any residential district or use.
 - 2. Five hundred feet (500') from a site having a pawnshop or second hand dealer designation under this ordinance.
 - 3. Five hundred feet (500') from any elementary or secondary school.
- B. **Displays.** All windows and display areas shall be kept neat and orderly. No outside display of goods, wares, or merchandise shall be permitted.
- C. **Loading.** All loading or unloading shall be from the side or rear of the lot.

Section 6.510 Recording Studios.

No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area. Mass production, duplication or storage of recorded material for distribution, sale, or promotion is prohibited.

Section 6.511 Retail Stores and Commercial Uses with 40,000 square-foot or More of Gross Floor Area.

- A. **Uses.** Uses subject to the requirements of this Section shall include, but shall not limited to “Big-Box” Stores, Supermarkets, Wholesale Stores, Shopping Centers and Malls.
- B. **Access and Circulation.** A traffic impact study shall be required meeting the requirements of Section 1.12.J (Impact Assessment). Sites must abut a paved road, with all ingress and egress directly to such street. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets and streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
- C. **Outlots.** The site design, circulation, parking layout and building architecture of all outlots shall be complementary to and fully-integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- D. **Landscape and Screening.** A greenbelt with a width of twenty feet (20’) shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters and mechanical equipment.
- E. **Loading and Unloading Areas.** Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within fifty feet (50’) of a residential district or use, nor shall such activities take place between the hours of 10:00 p.m. and 7:00 a.m. No delivery vehicle within fifty feet (50’) of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.
- F. **Pedestrian Walkway.** A six foot (6’) wide concrete sidewalk shall be provided from the public sidewalk to the main entrance in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 6.512 Tavern, Pub, Brewpub, Cocktail Lounge, Night Club, or Billiard and Pool Hall.

Such establishments shall be located at least one thousand feet (1,000’) from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses. Screening consisting of a masonry wall and a closely planted buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

Section 6.513 Theaters (Indoor), Motion Picture Cinemas, Auditoriums, Concert Halls and Playhouses.

- A. **Setbacks and Screening.** Where the site abuts a residential district or use, the principal building and parking lot shall be setback at least thirty feet (30') from the district boundary or property line abutting the residential district or use, and screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Access and Traffic.** The Planning Commission may require a traffic impact study be submitted by the applicant according to Section 1.12.J (Impact Assessment). Access shall be from a paved road.
- C. **Impact Assessment.** The Planning Commission may require an impact assessment for theaters, cinemas, auditoriums, concert halls and playhouses that have a seating capacity of over five hundred (500) persons in accordance with Section 1.12 (Impact Assessments).

Section 6.514 Tobacconists and Cigar/Cigarette Shops.

Such establishments shall be located at least one thousand (1,000) feet from any childcare center, school, park or hospital.

CHAPTER VI: INDUSTRIAL, RESEARCH AND LABORATORY USES

Section 6.601 Hazardous Materials Storage.

Such uses shall comply with Section 8.107 (Performance Standards), and shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan State Police, the Fire Department, and the Branch County Health Department. The applicant must supply the following documentation with any plan submitted for review:

- A. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- B. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- C. Description of any transportation, on-site treatment, storage or disposal of hazardous waste.
- D. Description of any secondary containment measures, including design, construction materials and specifications, and security measures.

Section 6.602 Intensive Industrial Operations (including, but not limited to metal foundry or fabrication, casting, plating, buffing, stamping, dyeing, shearing or punching, and similar uses, automatic screw machines and other machines).

- A. **Setbacks and Screening.** Sites shall not be located within five hundred feet (500') of any residential district or use. Appropriate screening, shall be provided along all side or rear lot lines in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties. Loading areas should be adequately screened in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. **Impact Assessment.** The Planning Commission may request that the applicant submit an impact assessment in accordance with Section 1.12 (Impact Assessments), describing the expected impacts associated with the use and any mitigation measures to be employed.
- D. **Performance Standards.** All such uses shall comply with the performance standards listed in Section 8.107 (Performance Standards).
- E. **Performance Guarantee.** The Township may require submission of a Performance Guarantee in accordance with Section 1.06 (Performance Guarantee).

Section 6.603 Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items.

- A. **General Requirements.** All outdoor storage areas must comply with the following requirements:
1. No junk or junk vehicles shall be stored.
 2. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
 3. Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.
- B. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
- C. **Landscaping and Screening.** Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative masonry wall or fence at least six feet (6') in height, in accordance with Section 11.04 (Methods of Screening and Buffering). No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

Section 6.604 Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items.

- A. **Minimum Lot Size and Setbacks.** Sites shall have a minimum lot area of ten (10) acres. Sites shall have a minimum front yard setback of one hundred fifty feet (150'), and rear and side yard setbacks of twenty feet (20').
- B. **Location.** Sites shall not be immediately adjacent to any residential district or use.
- C. **Landscaping and Screening.** A twenty foot (20') wide buffer strip and a masonry wall with a height of eight feet (8') shall be required along all property lines, in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards and Requirements.** The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
1. Junk vehicles and scrap materials may not be stacked higher than the height of the screening wall.
 2. Vehicles or vehicle bodies shall be stored in rows with a minimum twenty foot (20') wide continuous loop drive separating each row of vehicles.
 3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.

4. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company.
5. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
6. The crushing of vehicles or any part thereof shall be limited to daylight hours.
7. The use shall be subject to periodic inspection by the Township to ensure continuing compliance with the above standards.

Section 6.605 Recycling Collection Facilities and Composting Centers.

A. General Standards

1. **Performance Standards.** The Planning Commission may require the applicant to submit an impact assessment, in accordance with Section 1.12 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
2. **Screening and Landscaping.** Screening and landscaping shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering), as deemed necessary by the Planning Commission. No materials may be stored outside above the height of the installed screening. Screening adjacent to residential districts or uses shall be solid and year-round.
3. **Access.** Approved sites must have access to a Class A Road.
4. **Parking and Loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

B. Standards for Recycling Collection Facilities

1. **General Standards.** Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors.
2. **Enclosed Structure.** All crushing, disassembling, packaging, stripping, and other similar processes shall occur within an enclosed structure.
3. **Outdoor Storage.** Designated areas for outdoor storage shall be noted on the site plan prior to approval. These areas shall not be located in the front yard and shall be setback a minimum distance of three-hundred feet (300') from all property lines. Structures shall conform to the minimum setback requirements for the district in which the facility is located

C. **Standards for Composting Centers**

1. **Setbacks.** Commercial composting operations shall be at least five-hundred feet (500') from any residential district or use. All composting operations shall be at least two hundred feet (200') from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater. Structures shall conform to the minimum setback requirements for the district in which the facility is located.
2. **Outdoor Storage.** Designated areas for outdoor storage shall be noted on the site plan prior to approval. These areas shall not be located in the front yard and shall be setback a minimum distance of three-hundred feet (300') from all property lines. All containers shall have lockable lids and doors. Loose materials should be covered and/or contained to prevent them from blowing onto adjacent properties.

(Ords. 04-04 & 05-04; 3/2/04)

Section 6.606 Self-Storage Warehouses.

- A. **Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. **Minimum Lot Size and Setbacks.** The minimum lot area shall be three (3) acres. The minimum building and parking setback shall be fifty feet (50') from any street right-of-way line, residential district or off-site residential use.
- C. **Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Storage.** All storage shall be completely within enclosed structures

Section 6.607 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories.

- A. **Separation Requirements.** The above uses shall be located at least one thousand feet (1,000') from any residential district or use, and one hundred fifty feet (150') from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals are to be slaughtered on premises) shall be located at least one thousand feet (1,000') from any other zoning district boundary.
- B. **Sanitation Requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry

rendering processes shall be used. All sanitary facilities shall be approved by the Township and the Branch County Health Department, and all waste and manure shall be removed daily.

- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Performance Standards.** Such uses shall comply with Section 8.107 (Performance Standards). The applicant shall submit an impact assessment, in accordance with Section 1.12 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
- E. **Performance Guarantee.** The Township may require submission of a Performance Guarantee in accordance with Section 1.06.

Section 6.608 Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals and Distribution Facilities.

- A. **Setbacks.** Terminals shall be set back a minimum of two hundred feet (200') from any residential district or use.
- B. **Traffic.** The Planning Commission may require a traffic impact study meeting the standards of Section 1.12.J (Impact Assessment - Traffic Impact Studies).
- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Landscaping and Screening.** Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).

Section 6.609 Quarrying, Gravel Processing, Mining and Extraction Uses.

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this Ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Such uses shall be subject to the following:

- A. **Area.** The minimum site size shall be ten (10) acres.
- B. **Site Plan Information.** The following additional information shall be provided on a site plan:
 - 1. Name and address of the person, firm or corporation who or which will be conducting the actual operation.
 - 2. Location of the processing plant or buildings, whether on-site or off-site.
 - 3. Type of materials or resources to be removed or to be brought to the site.

4. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
 5. General description of equipment to be used.
 6. The estimated time to complete total operations.
 7. The total area (expressed in acres) proposed to be excavated or mined.
 8. A reuse plan, drawn to a scale of 1" = 50' placed on a standard sheet and containing the following information:
 - a. A proposed grading plan and landscape plan.
 - b. A description of the land use activities proposed to be located on the site upon completion of mining or extraction operations.
 - c. A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses.
- C. **Impact Assessment.** The applicant shall submit an impact assessment in accordance with Section 1.12 (Impact Assessments).
- D. **Setbacks.** The following minimum setback standards shall apply:
1. All structures and machinery shall be a minimum of one hundred feet (100') from all property lines and two hundred feet (200') from any residential districts or uses.
 2. No mining, excavation, stockpiling of material or processing shall take place less than one hundred feet (100') from all property lines and two hundred feet (200') from any residential districts or uses. The Planning Commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property.
 3. No mining, excavation, stockpiling of material or processing shall take place less than one hundred feet (100') from any street right-of-way, except where determined by the Planning Commission to be necessary to reduce or raise the final elevation to the existing elevation of the street.
- E. **Security.** The site shall be enclosed with a six foot (6') security fence with a locking access gate. Such fences shall be placed no closer than fifty feet (50') to the top or bottom of any slope. The owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than two hundred feet (200') apart.
- F. **Reuse Plan.** Reclamation and rehabilitation of mining and landfill areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after termination of mining or excavation

activity (inactivity for a twelve (12) month consecutive period shall constitute termination of mining activity).

- G. **State and Federal Requirements.** Proof of all required outside agency approvals or permits shall be provided to the Township prior to the start of work on the site.
- H. **Access and Circulation.** Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- I. **Performance Standards.** Such uses shall comply with Section 8.107 (Performance Standards) and the following:
 - 1. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. In order to protect water wells and the water supply of the Township, the pumping or drainage of water from such quarrying operations is absolutely prohibited.
 - 2. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
 - 3. The slopes of the banks of the excavation shall in no event exceed seven feet (7') horizontal to one foot (1') vertical). Where ponded water results from the operation, this slope shall be maintained and extended into the water to a depth of ten feet (10').

Section 6.610 Junkyards or Salvage Yards

- A. The following regulations shall apply to Junk Yards and Salvage Yards:
 - 1. **Setbacks.** A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line.
 - 2. **Screening.** The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with the Article 11 (Landscaping, Screening, and Buffering) and Section 8.101 (Fences). The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
 - 3. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Zoning Administrator so as to confine any wind-borne dust within the boundaries of the site.
 - 4. **Regulated Activities.** Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

5. **Permits.** All required Township, County, and State permits shall be obtained prior to establishing a junkyard.
5. **Stacking.** Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

SECTION 6.611 Landfills, Dumping and Sewage Disposal Facilities

1. General Requirements.

- a. **Design and Operation Standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.
- b. **Environmental Impact Statement.** An environmental impact statement shall be prepared in accordance with Section 1.12 and submitted to the Township Board for review and approval.

2. Landfills and Dumping.

- a. **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.
- b. **Scope of Application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.
- c. **Exceptions.** These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

3. Permit Requirements for Landfills and Dumping.

- a. **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.
- b. **Review Procedures.** Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Article 16 (Special Land Use). Permits for such uses shall be issued by the

Township Board for a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

- c. **Performance Guarantee.** To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 1.06 (Performance Guarantees). The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

- d. **Application Requirements.** The following information shall be provided on an application for a landfill or dumping permit:

- (1) **Aerial Photography.** Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals two hundred (200) feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
- (2) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals two hundred (200) feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.
- (3) **Engineering Report.** Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
- (4) **Master Plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
- (5) **Restoration Plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.

- (6) **Operating Specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in subsection 4, following.

4. Standards

All landfill and dumping activity shall be subject to the following standards:

- a. **Limits of Approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
- b. **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than one hundred (100) feet to the approved outer boundary for the operation, and not closer than five hundred (500) feet to any property line that abuts a residentially zoned or used district (A, R-1, R-2, MHP). The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least three hundred (300) feet from any public street right-of-way line or adjacent property line.
- c. **Noise, Dust, Debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
- d. **Road Treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
- e. **Frontage and Access.** The subject site shall have a minimum frontage of 250 feet on an arterial road or collector road.
- f. **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:
 - 1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.
 - 2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.
- g. **Slopes.** Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.
- h. **Topsoil and Seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The

topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

- i. **Berms.** A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.

5. **Violations.** To insure compliance with these regulations, the Zoning Administrator shall conduct periodic inspections. In the event that a violation is found, the Zoning Administrator shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

CHAPTER VII: TEMPORARY, SPECIAL EVENT AND OTHER USES

Section 6.701 Adult Uses and Sexually-Oriented Businesses.

It is the intent of this Section to provide reasonable regulations for the establishment of sexually-oriented uses, as defined in Article 25 (Definitions) in a viable and accessible location where the adverse impact of their operations may be minimized. Regulation of the location of these uses is necessary to ensure that the adverse effects of such uses will not cause or contribute to the blighting or downgrading of the Township.

- A. Sites shall not be permitted in the following locations, based upon distances measured from the outer most property line of the lot upon which the proposed adult business or sexually-oriented business would be located to nearest property line of the following districts, uses or facilities:
 - 1. Within one thousand feet (1,000') of any residential district or use within Quincy Township or surrounding communities.
 - 2. Within one thousand feet (1,000') of an existing school, library, park, playground, licensed family or group day care home, child day care center, church, temple or other place of worship within Quincy Township or surrounding communities.
 - 3. Within one thousand feet (1,000') of any other adult use or sexually-oriented business within Quincy Township or surrounding communities.
 - 4. Within five hundred feet (500') of intersecting center-lines of paved roads within the Quincy Township or surrounding communities, as defined in the Township Master Plan.
- B. Access shall be limited to paved roads, as defined in the Township Master Plan, and screening shall be required from the public right-of-way and abutting properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- C. Such uses shall be located within a freestanding building (shared or common wall structure or shopping center is not considered a freestanding building) with a maximum gross floor areas of five thousand (5,000) square feet.
- D. The building and site shall be designed, constructed and maintained so displays, decorations or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed from adjacent properties or by pedestrians or motorists within the public rights-of-way.
- E. No person shall reside in the premises of such uses.
- F. The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed or permitted to practice in the State of Michigan, or to massage therapists who are certified members of the American Massage and Therapy Association or International Myomassesthetics Federation.

Section 6.702 Circuses, Fairs, Carnivals and Similar Uses.

Such uses may be permitted for institutional uses and similar non-profit organizations for the sole purpose of raising money for the financial support of such institutions. Such use and occupancy shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazard and congestion. Limitations on hours of operation may be established by the Township, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

- A. **Permits and Approvals.** Sketch plan approval shall be obtained from the Planning Commission. When such uses are for more than seven (7) calendar days during a year, approval is also required from the Township Board. Appropriate permits shall be secured by the applicant from the Branch County Health Department, the Building Inspector, and other agencies with jurisdiction.
- B. **Insurance.** The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or Injury to persons, or damage to property, which may result from the conduct of the activity.
- C. **Setbacks and Fencing.** All buildings, structures and parking shall be at least three hundred feet (300’) from any dwelling. The Township may require placement of a six foot (6’) high fence around all or part of the site.
- D. **Access.** Access shall be provided onto a paved road, with capability to accommodate at least two (2) lanes of ingress traffic. At least three hundred feet (300’) of stacking area shall be provided on site. A traffic impact study may be required in accordance with Section 1.12.J (Impact Assessment - Traffic Impact Studies).

Section 6.703 Garages for Commercial Vehicles.

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than twenty-five percent (25%) of the lot area, and shall be located outside of any required yard areas.

Section 6.704 Temporary Structures and Uses.

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Township Codes and Ordinances, and shall be subject to the following:

- A. **Site and use standards.** Temporary structures and uses shall comply with the following:
 - 1. The performance standards specified in Section 8.107 (Performance Standards).
 - 2. The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
 - 3. Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
 - 4. Other conditions necessary to protect the public health, safety and general welfare.
- B. **Duration.** In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one (1) year. The Planning Commission or Zoning Administrator may impose a lesser time limit where deemed necessary.

- C. **Temporary construction buildings.** Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved, and such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.
- D. **Performance guarantee.** To ensure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee in accordance with Section 1.06 of this Ordinance (Performance Guarantees) in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.
- E. **Removal.** Temporary structures or uses, other than temporary construction buildings, shall be removed within ten (10) days after expiration of the permit or approval, or the Zoning Administrator may use the performance guarantee for such removal.

ARTICLE 7

ACCESSORY STRUCTURES AND USES

Section 7.01 Purpose.

The purpose of this Article is to provide consistent regulations for certain buildings, structures and uses that are accessory to primary structures and permitted uses in a particular zoning district, to protect the general health, safety and welfare, to ensure that the Township's property values, appearance and rural character are preserved and respected, and to promote harmony in the physical relationships between structures in the Township.

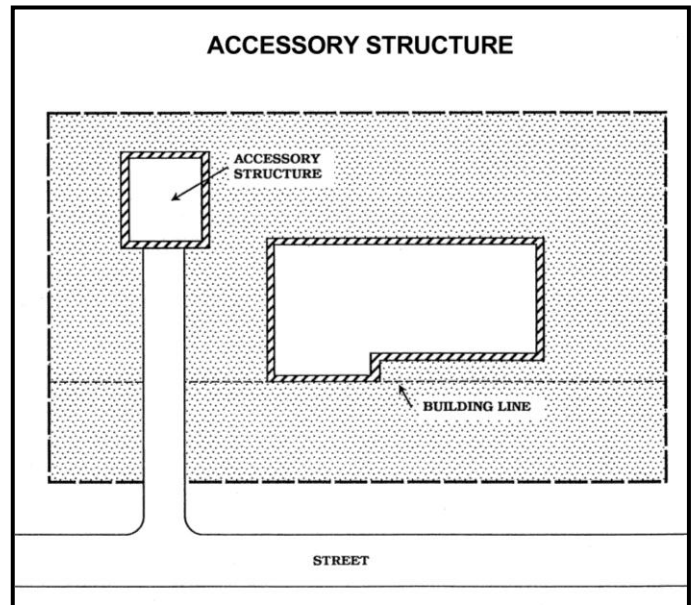
Section 7.02 Exceptions for Accessory Farm Buildings.

The requirements in this Article shall not apply to accessory farm buildings (such as barns, windmills, and silos) used in the agricultural operations on a bona-fide farm, as defined in Article 25 (Definitions), except that farm buildings shall comply with the setback requirements for the districts in which they are located.

Section 7.03 Standards for Accessory Structures.

The following shall apply to all new accessory structures in the Township (including, but not limited to attached or detached garages, sheds and similar structures), and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

- A. **Same Lot as Primary Use.** Accessory structures are permitted only in conjunction with, incidental to, and on the same lot as a primary structure, which is permitted in the particular zoning district.
- B. **Timing of Construction.** No accessory structure shall be constructed on a parcel unless there is a primary building, structure, or use being constructed or already constructed on the same parcel of land.
- C. **Prohibited in front yard area.** No accessory structure shall be erected in any required front yard, nor within twenty five feet (25') of any road right-of-way line.



D. **Required side and rear yard setbacks.**

1. **Attached accessory structures.** Accessory structures that are attached to a primary building shall comply with the minimum required side and rear yard setbacks for the primary building, as specified in Article 5 (Dimensional Standards).
2. **Detached accessory structures.** Accessory structures not attached to a primary building shall be subject to the following:
 - a. Detached accessory structures shall be set back a minimum of five feet (5') from all side and rear property lines.
 - b. Detached accessory structures 100 square feet and larger shall maintain a minimum 10-foot separation from the primary building.
 - c. Detached accessory structures shall not occupy more than twenty five percent (25%) of the rear yard area, and shall not exceed the ground floor area of the primary building.
 - d. Where a detached accessory structures has a maximum height of more than fourteen feet (14'), the structure shall be set back from all property lines by an amount equal to the height of the structure.

(Ord. 09-04, 11/3/2004)

E. **Appearance.** The building materials and design of any accessory structure shall be similar to that of the primary building on the lot, and shall be in accordance with the purpose of the district where it is located, as specified in Article 2 (Zoning Districts and Maps).

F. **Carports.** Carports and other temporary or permanent covered and unenclosed vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Article.

G. **Basement structures and garage dwellings.** Basement-only structures and above or in-garage dwellings are prohibited.

Section 7.04 Standards for Waterfront Yards.

The following structures are permitted with a waterfront yard provided such structures are accessory to a permitted primary use of waterfront property and the use is limited to private recreational or personal use by the occupants of the property. No structure in a waterfront yard will be approved without an existing primary structure on the parcel.

A. **Permitted Encroachments.** Permitted encroachments as regulated in Section 5.205 (Permitted Yard Encroachments) are allowed in a waterfront yard.

B. **Shed.** A shed, not exceeding a floor area of more than one hundred (100) square feet and a height of eight (8) feet shall be permitted within the waterfront yard, provided such shed is setback a minimum of twenty-five (25) feet from the shoreline and complies with all accessory building standards contained in this Article (Article 7) and Section 5.202.C (Clear Vision Triangles).

- C. **Docks and boat wells.** The following waterfront structures and appurtenances shall be permitted provided that they met the requirements of Section 5.202.C (Clear Vision Triangles):
1. Piers and wharves, including floating types;
 2. Flush mount and swivel hoists, overhead hoists, davits and mooring whips;
 3. Spring or mooring piles; and
 4. Unenclosed boat/port well having a roof only and not exceeding a height of twenty-two (22) feet above the mean high water mark.
- D. A maximum of two (2) boat ports/wells and two (2) hoists or other out of water lifting devices are permitted per zoning lot. A lot containing a multiple family dwellings shall be limited by a marina operating permit issued by the Michigan Department of Environmental Quality.
- E. Bulkheads or seawalls are permitted, provided no bulkhead or seawall may extend into the waterway beyond the lot line of any lot.
- F. Construction, installation, storage, docking, or mooring of structures or watercraft shall not obstruct the natural flow of water or access of boaters to adjoining or nearby parcels, deeper water, or normal boating routes.
- G. All permitted structures shall be kept safe, secure and in good repair.
- H. The placement of navigational aids and regulatory markings are exempt from the requirements of this section.
- I. Temporary waterfront structures (docks, boat hoists, mooring, buoys) may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15.
- J. All temporary waterfront structures (docks, boat hoists, mooring, buoys) shall be removed no later than November 15 and installed no earlier than April 15.

Section 7.05 Standards for Accessory Uses.

Detached accessory buildings or structures in residential districts (R-1 and R-2) shall not be used for dwelling units, for any business, profession, trade, occupation, or as a storage space offered for rent. Attached accessory apartments are allowed in the R-1, R-2, and A zoning districts subject to the design standards of Section 6.201 (Accessory Apartments) which regulates attached accessory apartments to detached single family dwellings and attached apartments accessory to permitted office and service uses or commercial uses.

Section 7.06 Swimming Pools.

- A. Pools and any associated deck and fencing shall not be located within any required front yard. The outside edge of a pool wall or perimeter of pool decking shall be set back a minimum of ten feet (10') from all adjacent property lines. The outside edge of a pool wall shall be set back a minimum of ten feet (10') from adjacent structures.

- B. For the protection of the general public, all swimming pools shall be completely enclosed by a minimum four foot (4') high fence or other means of access control. Above ground pools with a minimum height of four feet (4') may have gates, removable or swing-up steps or other means to limit entry in lieu of a fence.
- C. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the State Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use. A no-fault ground unit should be provided to protect against electrical shock.

Section 7.07 Temporary Accessory Structures and Uses.

Temporary accessory structures and uses shall comply with the use standards of Article 4 (Land Use Tables), and the design standards of Section 6.704 (Temporary Structures and Uses).

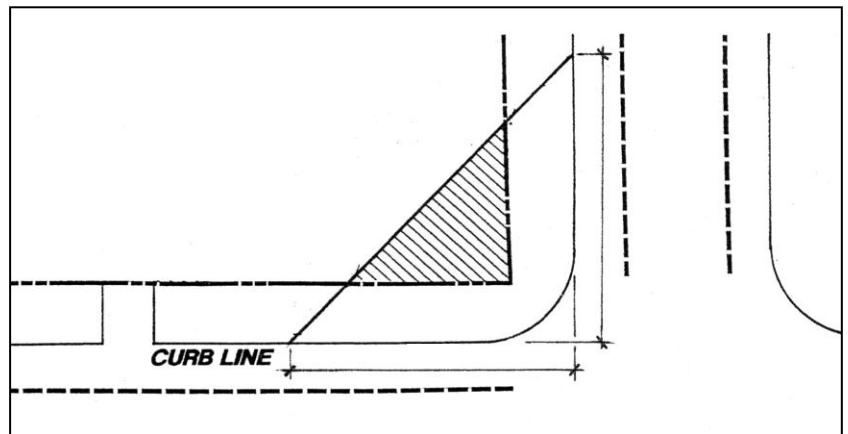
ARTICLE 8 GENERAL PROVISIONS

Section 8.101 Fences.

A. General requirements.

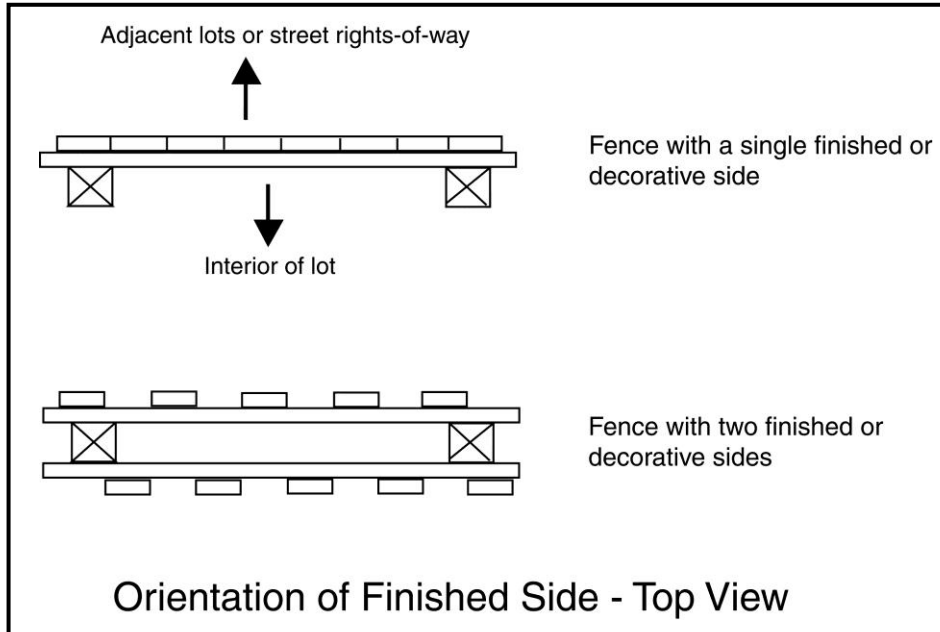
1. **Construction and maintenance.** Fences shall be securely constructed in conformance with this Ordinance and all applicable building codes, and shall consist of materials that are found by the Zoning Administrator to be durable and weather-resistant. Masonry piers may be used as part of a fence installation with the approval of the Zoning Administrator. Fences shall be maintained in good order, painted, rust-protected or otherwise protected against damage and decay so as to present an orderly appearance.
2. **Permits Required.** Permits shall be required prior to construction, alteration, or relocation of a fence, as provided in Section 8.101(C). Fences erected in the Agricultural (A) district for the purpose of enclosing or protecting animals or associated with a bona fide animal or agricultural use are exempt from permitting requirements. (Amended 2008)

3. **Clear Vision Area.** No fence or wall shall be erected or placed on any lot which will obstruct the vision of a driver of a vehicle approaching an intersection with the exception of fences and walls not exceeding three feet in height above the curb level. In the case of corner lots, this shall mean that there shall be provided an unobstructed triangular



area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the pavement edge lines or in the case of a rounded corner, from the intersection of the street property lines extended. At driveways, the lines forming the triangle are reduced to 15 feet. (Amended 2008)

4. **Orientation.** Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way. No portion of a fence visible from the street right-of-way or adjacent property shall be unfinished. All fence structural members or framing, where visible, shall be directed inward toward the interior of the lot to which the fence is associated. (Amended 2008)

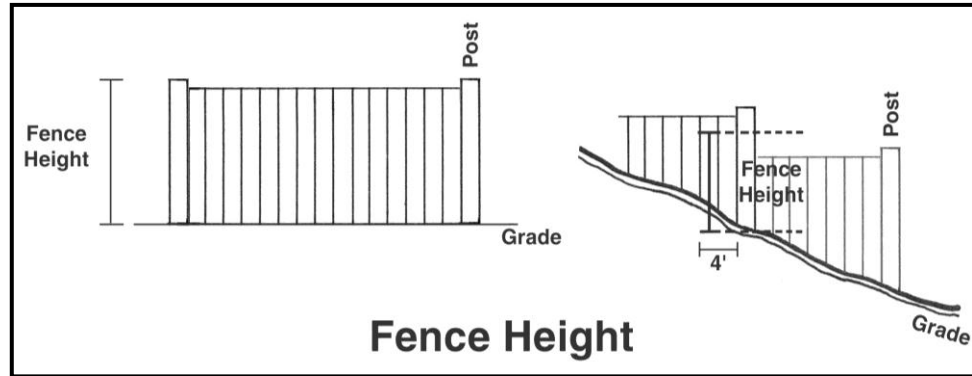


5. **Appearance.** All fences on a property shall be uniform or coordinated in material and color. Fences shall be constructed of low-reflecting and neutral-colored material and shall be compatible with the primary building and nearby properties. “Neutral-colors” shall be defined as those colors that do not attract attention or detract from the appearance of the community. (Amended 2008)
6. **Site drainage and utilities.** Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.
7. **Height and location requirements.**

TYPE OF FENCE OR WALL	MAXIMUM HEIGHT (FEET)			MINIMUM FRONT YARD SETBACK (FEET)
	FRONT	SIDE	REAR	
Chain-link fence	4'	6'	6'	5'
Living fence	no maximum			5'
Ornamental fence	4'	6'	6'	5'
Privacy fence		6'	6'	
Rail fence	3'	5'	5'	5'
Industrial fence		8'	8'	20'
Agricultural fence				

(Amended 2008)

- a. **Height.** Fence height shall be measured from the grade level to the highest point of the fence. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four feet (4') of any fence-post.



- b. **Setbacks.** All required setbacks for fences shall be measured from the property line or street right-of-way line to the nearest part of the fence.
- c. **Location.** Fences located within required side and rear yards may be erected on the property line with the written consent of all adjacent property owners and the approval of the Zoning Administrator. Permits shall not be processed until this consent is submitted, if necessary.

If the approval of the adjacent property owner is not obtained or such fence is not located on the lot line, the setback of all fences located within the side and rear yards shall be three feet (3') from the lot line. (Amended 2008)

B. Prohibited fences and walls. The following fences and walls are prohibited in the Township:

1. **Barbed-wire.** Barbed-wire, razor-wire or electrified fences, except where, such fences are associated with an ANIMAL OR AGRICULTURAL USE, as defined in Article 4 (Land Use Tables). The Zoning Administrator or Planning Commission may approve such fences associated with a COMMERCIAL USE or INDUSTRIAL, RESEARCH, OR LABORATORY USE, as defined in Article 4 (Land Use Tables) if such barbed wire (or similar material) is more than six feet above grade and required for the purpose of ensuring public safety. (Amended 2008).
2. **Wire fences.** Wire fences, except where such fences are associated with an ANIMAL OR AGRICULTURAL USE, as defined in Article 4 (Land Use Tables).
3. **Illegal fences.** Any fence unlawfully installed, erected or maintained.
4. **Waterfront Fences.** Fences shall not be permitted within the waterfront yard.
5. **Privacy Fences.** Privacy fences shall not be permitted within the front yard. (Ord. 03-05, 08/2/05)

C. Permits. A permit shall be required for all work performed in association with the construction, alteration or relocation of a fence, except where otherwise specified herein.

1. **Exempt work.** A permit shall not be required for the following activities:
 - a. **Agricultural fence:** Fences erected in the Agriculture (A) District for the purpose of enclosing or protecting animals or associated with a bone fide animal or agricultural use are exempt from fence permitting requirements.
 - b. **Repairs:** Repairs to an existing fence with no structural changes.
 - c. **Installation of gates or short lengths of new fence.** The installation of gates or up to eight feet (8') of new fence, provided that such work is in compliance with the provisions of this Ordinance and all applicable building codes, as enforced by Branch County.
 - d. **Living fences.** Planting of continuous hedgerows or similar landscape features.
 2. **Application.** The following information shall be provided with any permit application for a fence:
 - a. **Sketch plan and construction drawings.** A sketch plan (Section 17.10), and a lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
 - b. Written consent of all adjacent property owners if a fence or wall is proposed to be installed on a lot line.
- D. **Removal of illegal or damaged fences.** Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the Zoning Administrator shall order the property owner to remove such fences or make necessary repairs within ten (10) days. Upon failure of the property owner to take such actions within ten (10) days, the Township may act to remove such fences at the expense of the property owner. The Township may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 8.102 Sidewalks and Pedestrian Facilities.

The Planning commission may require sidewalks as a condition of site plan or sketch plan approval where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the following regulations:

- A. **Location and Width.** Required sidewalks shall be five (5) feet in width and shall be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
- B. **Design Standards.** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Township.
- C. **Alignment with Adjacent Sidewalks.** Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this

requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.

- D. **Signage.** The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.
- E. **Maintenance.** The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.
- F. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the Branch County Road Commission or Michigan Department of Transportation to allow sidewalk construction in the road right-of-way.

Section 8.103 Maintenance of Commonly-Owned Private Facilities.

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screening walls, drains, trails and sidewalks to which more than two (2) owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Failure by owners or an association to maintain commonly-owned private facilities shall be considered a threat to the public health, safety or welfare. The Zoning Administrator shall have the authority to undertake any of the following actions to remedy the violation:

- A. Actions necessary to eliminate the threat to public health, safety or welfare; and assessment of the benefited owners in an equitable fashion for the costs of such actions, including maintenance, or replacement, administrative and engineering costs.
- B. Request appointment of a trustee, by an appropriate court, to administer the affairs of the owners as related to the commonly-owned private facilities, with such costs to be assessed to the owners as noted above.
- C. Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

Section 8.104 Protection of Woodlands.

The standards of this Section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in the Township, and to prevent the unnecessary removal of woodlands prior to, during and following construction on a site:

- A. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight caliper-inches (8") or greater in diameter on a site shall first notify the Township, and shall submit a sketch plan describing the sites features for review and approval by the Planning Commission.

- B. This Section shall not prevent tree clearing for approved building envelopes, or in accordance with an approved site plan. The Planning Commission may grant an exception from the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.

Section 8.105 Grading, Removal and Filling of Land.

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has been issued by the County.

Section 8.106 Excavations and Holes.

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Branch County Sheriff of their existence.

Section 8.107 Performance Standards.

It shall be unlawful to perform or permit any activity, operation or use of land, structure, or equipment that produces irritants to human sensory perceptions greater than the levels established in this Section as the maximum permissible hazards to humans or human activities. Such measures may be supplemented as necessary by other recognized levels that have been established as the maximum permissible hazards to humans or to human activity.

- A. **Sound.** Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. The intensity level of sounds shall not exceed the following decibel levels, as measured by a type of audio output meter approved by the U.S. Bureau of Standards at any property line or street right-of-way adjacent to the following types of uses, as defined in Article 4 (Land Use Tables):

ADJACENT USE	DECIBELS
Animal and Agricultural	80dB
Residential	55dB
Office and Service	55dB
Community	55dB
Commercial	65dB
Industrial	70dB

- 1. **Exceptions.** The provisions in this Section shall not apply to the emission of sound for emergency purposes or to the emission of sound for agriculture or animal uses if certified as using Generally Accepted Agricultural Management Practices (GAAMPS) by the Michigan Department of Agriculture.

- B. **Vibration.** All machinery shall be mounted and operated so as to prevent transmission of ground vibration. Operation of any device that creates vibration above the vibration perception threshold of a person at any adjacent property or street right-of-way line shall be prohibited (vibration perception threshold is the minimum ground or structure-borne motion necessary to cause a normal person to be aware of the vibration by sensation, touch or visual observation of moving objects).
- C. **Odor.** The emission into the atmosphere of offensive, noxious or foul odors or odorous matter in such concentrations that would be readily detectable at any adjacent property or street right-of-way line, or that would create a public nuisance or hazard to adjoining properties or human, plant, or animal life is prohibited.
- D. **Gases.** The escape of or emission of any gas which is injurious, destructive to life or property or explosive is prohibited. Gaseous emissions shall be subject to applicable state or federal regulations, and shall not exceed levels indicated in the National Ambient Air Quality Standards, as measured at any adjacent property or street right-of-way line, unless a higher standard is imposed by a federal, state or county agency with jurisdiction.
- E. **Glare and heat.** Any operation or activity which produces intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along any adjacent property or street right-of-way line, and such operations or activities shall be adequately insulated so that the ambient temperature as measured at any adjacent property or street right-of-way line is not higher than the average ambient temperature as measured at three (3) other locations in the Township.
- F. **Electromagnetic radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance. Electronic equipment shall be designed and used in accordance with applicable FCC rules and regulations to prevent interference with the use of other electronic equipment in the Township.
- G. **Smoke, soot, dirt and fly ash.** It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (0.5) hour which is:
1. Of such opacity as to obscure an observer's view, except when the emission consists only of water vapor.
 2. The quantity of gas-borne or air-borne solids shall not exceed two-tenths (0.2) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- Smoke, soot, dirt and fly ash shall be subject to applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process or combustion device, unless such processes or devices are equipped with functional and approved equipment or methods to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- H. **Drifted and blown material.** The drifting or air-borne transmission of wind-blown dust, particles or debris from any open stockpile beyond any property or street right-of-way line is prohibited. Emission of particulate matter from materials, products or surfaces subject to wind erosion shall be controlled by paving, covering, fencing or other means.

- I. **Fire and safety hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Code (P.A. 207 of 1941, as amended). Above-ground storage tanks for flammable liquid materials shall be located at least one hundred and fifty feet (150') from all property and street right-of-way lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a building on the site.
- J. **Sewage wastes and water pollution.** Sewage disposal and potential water pollution sources shall be subject to the standards and regulations established by federal, state or county agencies, including the State of Michigan, the Branch County Health Department and the U. S. Environmental Protection Agency.
- K. **Radioactive materials.** Radioactive materials, wastes and emissions shall not exceed levels established by federal or state agencies that have jurisdiction. No operation shall be permitted that causes any individual at or beyond any adjacent property or right-of-way lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by applicable federal or state laws or regulations.

Section 8.108 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 8.109 Property Between Lot Line and Street Edge.

The area between the lot line or sidewalk and the edge of a street shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the right-of-way in front of their lot between their lot lines and the adjoining street edge of pavement.

Section 8.110 Voting Place.

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

Section 8.111 Essential Public Services and Required Utilities.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to State laws, Township ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, this Ordinance shall prevail.

Section 8.112 Water Supply and Sanitary Sewers.

Where public sewer or public water service is available, all principal buildings shall be connected to such systems at the time of construction or alteration.

SECTION 8.113 Wind Energy Conversion Systems (WECS)

- A. **Purpose.** The regulation of Wind Energy Conversion Systems (WECS), including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of Township residents. The system, its construction, and its operation shall comply with all applicable local, state, and federal regulations.

- B. **Definition.** WECS: A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.
 - 1. A "small turbine/on-site" system is intended to primarily serve the needs of the customer on the site which the system is located, with a single tower that that may or may not be connected to the utility grid.
 - 2. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperative organizations.
 - 3. A "Met tower" is a tower used at a potential WECS site with equipment attached to it designed to measure the wind speed and other weather conditions at various heights proposed for potential wind turbines.

- C. **Special exception use.** Due to the concerns related to health, safety, and welfare and the increased potential for impacts on adjacent properties, such both the WECS and the Met tower shall be regulated as special exception uses within all zoning districts, provided the land area is sufficient to support their development and operation (see subsection D.2 below). The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:
 - 1. In addition to the requirements for Special Exceptions (Article 16) and Site Plan Review (Article 17), the application for the WECS and/or a Met tower shall include the following additional information:
 - a. the location of overhead electrical transmission or distribution lines, whether utilized or not
 - b. the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may rotate and/or the location of the Met tower with its specific dimensions
 - c. the location of any guy wires, other support devices, or accessory structures or facilities
 - d. the location of all structures and land uses (including dwelling units) within 500 feet of the WECS and/or Met tower
 - e. proof of the applicant's public liability insurance for the project
 - f. the name, address, and telephone number of the owner(s) of the proposed system

- g. manufacturer’s name and address
 - h. survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator
 - i. name, address, and telephone number of the installer
 - j. name, address, and telephone number of the person responsible for maintenance
 - k. the height of the WECS and/or Met tower, as described in paragraph D.1 below
 - l. the setbacks from the wind turbine and/or Met tower and any accessory components (structure, guy wires, etc.) to the adjacent property lines
2. **Electromagnetic interference:** The entire WECS (including turbines, alternators, generators, and interconnect systems) and/or Met tower shall be located, designed, and filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, television broadcasting, wireless telephone, and/or personal communication transmission or reception, and shall comply with all applicable state and federal rules and regulations.
3. **Noise:** The maximum level of noise permitted to be generated by any WECS and/or Met tower shall be 55 decibels, as measured on the db(A) scale, measured at the property line nearest the WECS or Met tower. This decibel level may be exceeded during short term events such as utility outages or severe wind storms. If the ambient sound level prior to installation exceeds 55 decibels, the maximum noise standard shall be the ambient decibels plus five. The Planning Commission may request that a baseline study of the decibel levels existing prior to and modeling of noise levels predicted for after the installation be included as required documentation for review.
4. **Visual Impact:** Both wind turbines and Met towers shall use tubular towers and shall be finished in a single, non-reflective, matte-finished color. A Met tower shall also be permitted to be of a lattice-type design. Multiple towers involved in a “large turbine/utility grid” WECS shall be constructed of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Accessory structures may have lettering that exhibits the manufacturer’s and/or owner’s identification.

D. Site development.

1. **Height:** The height of the wind turbine shall be measured from the existing grade at the base of the turbine to the top of the blade or rotor at its tallest point. The height of the Met tower shall be measured from the existing grade at the base of the tower to the top of the unit at its tallest point.
- a. The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 40 feet for site parcels of one to less than two acres, 80 feet for site parcels of two to less than three acres and up to 120 feet for site parcels of three acres or more.

- b. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be 300 feet. The Planning Commission, in consideration of a request, may approve an increase to this height requirement where the following requirements are met:
 - i. The increased height will result in the preservation of a substantial stand of trees, existing land forms, or structures that would otherwise be required to be removed to satisfy anticipated and required wind velocity.
 - ii. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return. The Planning Commission shall not grant the increased height if the lack of economic return is due to the use of inefficient equipment that does not utilize current commercial technologies or would be aesthetically injurious to the area.
 - iii. The increased height will not result in increased intensity of lighting on the tower due to Federal Aviation Administration (FAA) requirements.
- c. A WECS located in proximity to an airport may be subject to additional height limitations as provided in the airport's layout or approach plan.
- d. The maximum allowable height for a Met tower and applicable height requirements shall be the same as for a WECS as indicated in the paragraphs above depending on the size of the parcel and the intended type of WECS.

2. Lot area/setbacks:

- a. No "small turbine/on-site" WECS or associated Met tower shall be erected on any lot or parcel less than one acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower or turbine as defined in subparagraph D.1 above.
- b. No "large turbine/utility grid" WECS or associated Met tower shall be erected on any parcel less than five acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any tower or turbine as defined in subparagraph D.1 above.
- c. Guy wires or other elements of the support structure shall not extend closer than ten feet to the owner's property lines.
- d. Accessory structures or other accessory equipment used in the function of the WECS and/or Met tower shall satisfy the setback requirements of the subject zoning district.

3. **Ground Clearance:** For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
 4. **Safety / Accessibility:** All 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. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet. All spent lubricants and cooling fluids shall be properly and safely removed promptly from the site of the WECS. A sign shall be posted near the WECS containing emergency contact information as well as near the entrance warning visitors about the potential danger of falling ice.
 5. **Connection to power grid:** If the WECS is to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the owner will be required to install a disconnecting device adjacent to the electric meter(s).
 6. **Lighting:** The WECS and/or Met tower shall be lighted in compliance with the minimum requirements of the Federal Aviation Administration (FAA).
 7. **Vibration:** Under no circumstances shall a WECS or Met tower produce vibrations humanly perceptible beyond lot boundaries.
 8. **Additional studies:** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, environmental impacts, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- E. **Decommission plan/site reclamation.** The applicant shall submit a plan that indicates the necessary anticipated life of the project, the estimated cost and method to ensure the availability of maintenance and removal funds, and the manner in which the site will be reclaimed.
- F. **Abandonment of unused turbines.** Abandoned or unused turbines and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission. A copy of the relevant documents (including the signed lease, deed, license, or land contract) which allows the installation and which requires the applicant to remove the turbine and associated facilities upon cessation of operations shall be submitted at the time of application. In the event that a turbine is not removed within the 12 months of the cessation of operations at a site, the turbine and facilities shall be removed by the Township and the costs of removal assessed against the real property.
- G. **Bonding.** Bonding may be required by the Township to insure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the turbines. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.
- (Amended 2010)

ARTICLE 9

OFF-STREET PARKING AND LOADING

Section 9.01 Purpose.

The purpose of this Article is to:

- A. Protect water quality and storm sewer capacity by limiting the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building.
- B. Preserve the character of the Quincy Township by limiting parking in front yard areas, promoting the use and development of shared parking and restricting the use and development of scattered private parking lots.
- C. Establish flexible minimum and maximum standards for off-street parking and loading, and promote the use and development of shared parking and loading facilities, cross-access between sites, and a pedestrian-oriented development pattern.

Section 9.02 Scope.

Off-street parking and loading shall be provided in all districts in accordance with the provisions in this Article whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity, or by other means.

Section 9.03 General Requirements.

The following general standards shall apply to all off-street parking or loading facilities:

- A. **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Article. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by Section 9.04 (Schedule of Required Parking by Use).
- B. **Location of spaces.** Off-street parking spaces shall be located within five-hundred feet (500') of a primary building entrance to which such spaces are accessory.
- C. **Similar uses.** Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use.
- D. **Shared facilities.** The development and use of a parking or loading facility shared between two or more contiguous uses is encouraged where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.
- E. **Irrevocable use.** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Article are provided elsewhere, or the parking requirements of the use change.

- F. **Storage, repairs and displays prohibited.** Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse. Parking of an operable motor vehicle shall not exceed a continuous period of more than forty-eight (48) hours. Repairs, performing service or display of vehicles for sale is prohibited.
- G. **Restriction of parking on private property.** No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property.

Section 9.04 Schedule Of Required Parking by Use.

The minimum and maximum number of required off-street parking spaces shall be determined by the Planning Commission in accordance with the following table. Where calculations determining the number of required parking spaces result in a fractional space, the fraction shall be rounded-up to the next highest whole number:

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
ANIMAL AND AGRICULTURAL USES		
Veterinary clinics, Kennels or Animal Shelters	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1,000) square feet of usable floor area.
Greenhouses and Nurseries	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1,000) square feet of usable floor area One (1) per on-duty employee based upon maximum employment shift.
Garden Centers and Feed Stores		
Produce Stands, Farm Markets,	Three (3) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Four (4) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
RESIDENTIAL USES		
Accessory Apartments	One (1) per dwelling unit	One and one-half (1.5) per dwelling unit, plus spaces located in any garage accessory building
Bed and Breakfast Inns		
Multiple-Family Dwellings		
Single Family Dwellings, Detached	One (1) per dwelling	Three (3) per dwelling, plus spaces located in any garage accessory building. No maximum for lots larger than 10 ac.
Manufactured Housing	One (1) per dwelling	Two (2) per dwelling, plus spaces located in any garage accessory building.
Townhouses and Stacked Flats	One (1) per dwelling unit	Two (2) per dwelling unit, plus spaces located in any garage accessory building.
Two-Family (Duplex) Dwellings		

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Family and Group Day Care Homes	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.	Two (2) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.
OFFICE AND SERVICE USES		
Banks and Financial institutions	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Barber Shops, Beauty Salons and Nail Care	One (1) per service chair or station.	Two (2) per service chair or station.
Tattoo Parlors and Body Piercing Salons	One (1) per service chair or station.	Two (2) per service chair or station.
Funeral Homes or Mortuaries	One (1) per five (5) persons allowed within the maximum building occupancy.	One (1) per three (3) persons allowed within the maximum building occupancy.
Halls for Civic Clubs and Membership Organizations		
Catering Facilities	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the restaurant seating area.	One (1) per three (3) persons allowed within the maximum building occupancy.
Hospitals	One (1) per five (5) beds, plus one-half (0.5) per on-duty employee based upon maximum employment shift.	One (1) per two (2) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Medical, Osteopathic, Chiropractic and Dental Offices, Medical Clinics, Urgent Care or Rehabilitation Centers	Three (3) per one-thousand (1,000) square feet of usable floor area.	Five (5) per one-thousand (1,000) square feet of usable floor area.
Massage Therapists		
Nursing and Convalescent Homes, Foster Care Group Homes, Assisted Living Facilities and Senior Housing	One (1) per two (2) dwelling units or per five (5) beds, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per dwelling unit or per three (3) beds, plus one (1) per on-duty employee based upon maximum employment shift.
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Video Rental Establishments	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes and Similar Items.	One (1) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
COMMUNITY USES		
Auditoriums and Performing Arts Theaters	One (1) per five (5) seats or ten feet (10') of benches, based upon the maximum seating capacity of the primary assembly space.	One (1) per three (3) seats or six feet (6') of benches, based upon the maximum seating capacity of the primary assembly space.
Churches, Temples and Other Places of Worship		
Child Care or Day Care Centers and Child Caring Institutions	One (1) per six (6) children of authorized capacity in accordance with approved state license.	One and one-half (1.5) per six (6) children of authorized capacity in accordance with approved state license.
Colleges, Universities and Other Institutions of Higher Education, Business Colleges and Commercial or Technical Schools	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for accessory uses, such as an auditorium, etc.	Three (3) per one-thousand (1,000) square feet of usable floor area.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or three (3) per one-thousand (1,000) square feet of usable floor area.	One (1) per three (3) persons allowed within the maximum building occupancy, or four (4) per one-thousand (1,000) square feet of usable floor area.
Recreation Facilities, Indoor		
Fire and Police Stations	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.	One (1) per on-duty employee based upon maximum employment shift, plus four (4) per one-thousand (1,000) square feet of usable floor area.
Government Offices	Three (3) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Post Offices		
Libraries, Museums and Fine Art Centers	One (1) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Recreation Facilities, Outdoor	Six (6) per acre of gross land area.	Nine (9) per acre of gross land area.
Schools, Elementary	One (1) per teacher, employee and administrator, plus any required spaces for accessory uses, such as an assembly hall.	One and one-half (1.5) per teacher, employee and administrator, plus any required spaces for accessory uses, such as an assembly hall.

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Schools, Secondary	One (1) per teacher, employee and administrator, plus one (1) per ten (10) students, plus any required spaces for accessory uses, such as an assembly hall or stadium.	One and one-half (1.5) per teacher, employee and administrator, plus one (1) per ten (10) students, plus any required spaces for accessory uses, such as an assembly hall or stadium.
COMMERCIAL USES		
Arcades and Indoor or Outdoor Amusement Centers, Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per three (3) amusement stations, games, holes, tees, lanes or cages, or one (1) per five (5) persons allowed within the maximum building occupancy.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per amusement station, video game, miniature golf hole, practice tee, lane or batting cage, or one (1) per three (3) persons allowed within the maximum building occupancy.
Auto Parts Stores	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.	One (1) per on-duty employee based upon maximum employment shift, plus one and one-half (1.5) per fueling location, plus two (2) stacking spaces per fueling location.
Automobile, Truck and other Motor Vehicle Service Centers or Repair Stations	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay.	One (1) per on-duty employee based upon maximum employment shift, plus two (2) per service bay, plus one (1) stacking space per service bay.
Bakeries	One (1) per one-hundred fifty (150) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per two hundred (200) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Car washes, Automatic or Self-Service	One (1) per on-duty employee based upon maximum employment shift, plus three (3) stacking spaces per service lane, plus one (1) for post-wash detailing.	Two (2), plus one (1) per on-duty employee based upon maximum employment shift, plus six (6) stacking spaces per service lane, plus two (2) for post-wash detailing.
Cinema or Motion Picture Theater, Indoor	One (1) per five (5) seats, based upon the maximum seating capacity of the primary assembly space.	One (1) per three (3) seats, based upon the maximum seating capacity of the primary assembly space.
Drive-in or Drive-through Facilities	One (1) per service window, booth, cubicle or stall, plus two (2) stacking spaces per drive-through lane.	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Florists, Gift Shops and Specialty Shops	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Gunsmiths and Licensed Firearms Dealers	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Hardware and Home Improvement Stores and Building Supply Yards (indoor)	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Hotels and Motels	One (1) per two (2) occupancy units, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift.
Laundromat and Dry Cleaning Customer Pick-up/Drop-off Only	One (1) per ten (10) washing or drying machines, or one (1) per one-thousand (1,000) square feet of usable floor area.	One (1) per six (6) washing or drying machines, or two (2) per one-thousand (1,000) square feet of usable floor area.
Manufactured Housing Sales Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items	One (1) per one-thousand (1000) square feet of outdoor sales or display area.	Two (2) per one-thousand (1000) square feet of outdoor sales or display area.
Package Liquor Stores	Three and one-half (3.5) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children's goods)	Three and one-quarter (3.25) per one-thousand (1,000) square feet of usable floor area.	Three and three-quarters (3.75) per one-thousand (1,000) square feet of usable floor area.
Printing or Copy Centers	One (1) per one-thousand (1,000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Recording Studios	One (1) per studio, plus one (1) per on-duty employee based upon maximum employment shift.	Four (4) per studio.
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens with Carry-Out Only (no seating)	One (1) per one-hundred fifty (150) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per two hundred (200) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens with Dine-In Seating	One (1) per five (5) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per three (3) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Outdoor Cafés and Eating Areas		

Section 9.04 Schedule Of Required Parking by Use.

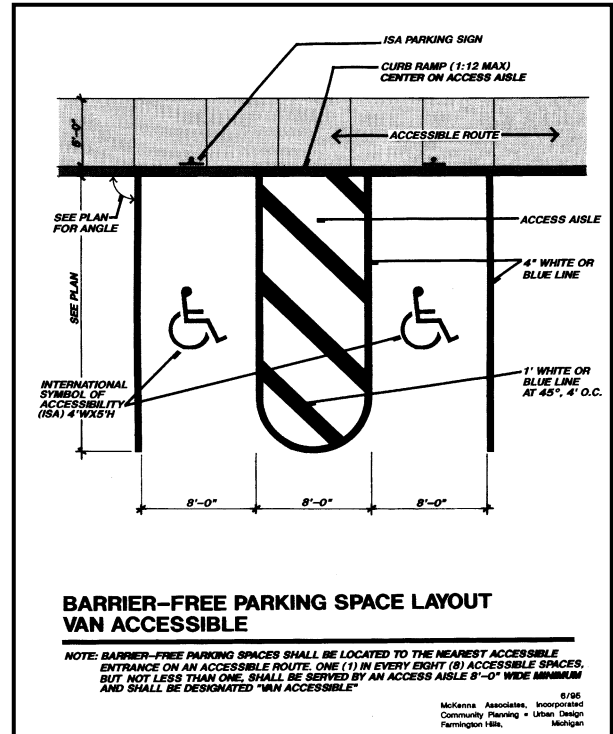
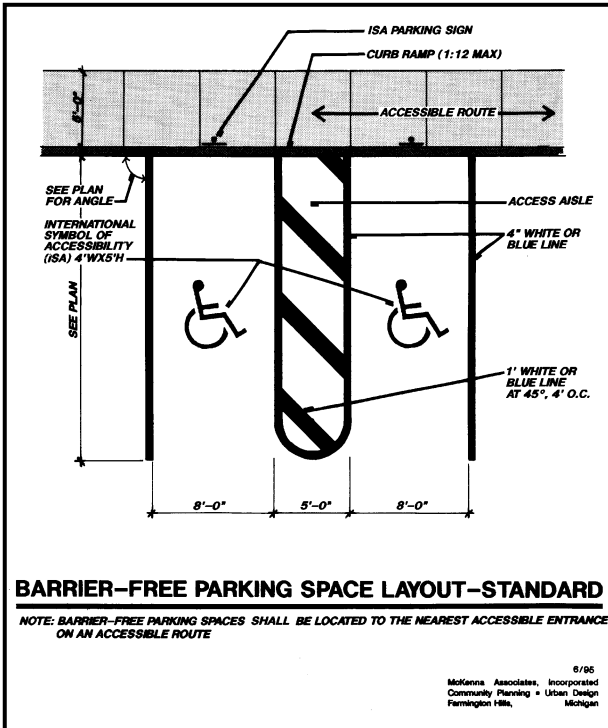
USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Retail Stores and COMMERCIAL USES	Three and one-half (3.5) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Showroom or Sales Office (indoor only) for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Other Durable Goods	One (1) per one-thousand (1000) square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.	Three (3) per one-thousand (1000) square feet of usable floor area of the sales room, plus one (1) per on-duty employee based upon maximum employment shift.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) per five (5) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee based upon maximum employment shift.
INDUSTRIAL, RESEARCH AND LABORATORY USES		
Brewery, Distillery or Winery	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Carpet and Rug Cleaning and Similar Cleaning Businesses	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Crematoriums	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Dry Cleaner Central Cleaning/Processing Facilities	One (1) per on-duty employee based upon maximum employment shift.	One (1) per one-thousand (1000) square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Manufacturing, Processing, Production, Fabrication or Assembly of Products, and similar Industrial Activities		
Power Plants, Hazardous Materials Storage or Waste Tire Facilities		
Recycling Collection Facilities and Composting Centers		

Section 9.04 Schedule Of Required Parking by Use.

USE	NUMBER OF SPACES REQUIRED	
	MINIMUM	MAXIMUM
Research and Development Facilities, Technical Centers and Laboratories	One (1) per one-thousand (1000) square feet of usable laboratory/manufacturing space floor area, plus three (3) per one-thousand (1,000) square feet of usable office space floor area.	Two (2) per one-thousand (1000) square feet of usable laboratory/manufacturing space floor area, plus four (4) per one-thousand (1,000) square feet of usable office space floor area.
Self-Storage Warehouses	One (1) per caretaker's quarters, plus three (3) per one-thousand (1,000) square feet of usable floor area in the office building.	One (1) per ten (10) storage units distributed throughout the storage area, plus two (2) per caretaker's quarters, plus four (4) per one-thousand (1,000) square feet of usable floor area in the office building.
Truck Terminals and Distribution Facilities, Wholesaling and Trucking Operations, and Truck Storage	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per one-thousand (1,000) square feet of usable floor area, plus any required spaces for storage of vehicles..
Warehousing and Bulk Indoor Storage Facilities		
TEMPORARY, SPECIAL EVENT AND OTHER USES		
Adult Uses and Sexually-Oriented Businesses	Three and one-half (3.5) per one-thousand (1,000) square feet of usable floor area.	Four (4) per one-thousand (1,000) square feet of usable floor area.
Circuses, Fairs, Carnivals and Similar Uses	Ten (10) per acre of gross land area occupied by the use, or one (1) per three persons allowed within the maximum occupancy load that the facilities are designed to accommodate.	Twenty (20) per acre of gross land area occupied by the use, or one (1) per two persons allowed within the maximum occupancy load that the facilities are designed to accommodate..

Section 9.05 Design Requirements.

A. **Barrier-Free Parking Requirements.** Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following, or with any revised standards of the Michigan Department of Labor, Construction Code Commission:



B. **Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Article 11 (Landscaping, Screening and Buffering).

C. **Exterior lighting.** Where provided, exterior lighting shall comply with the standards of Article 13 (Exterior Lighting)

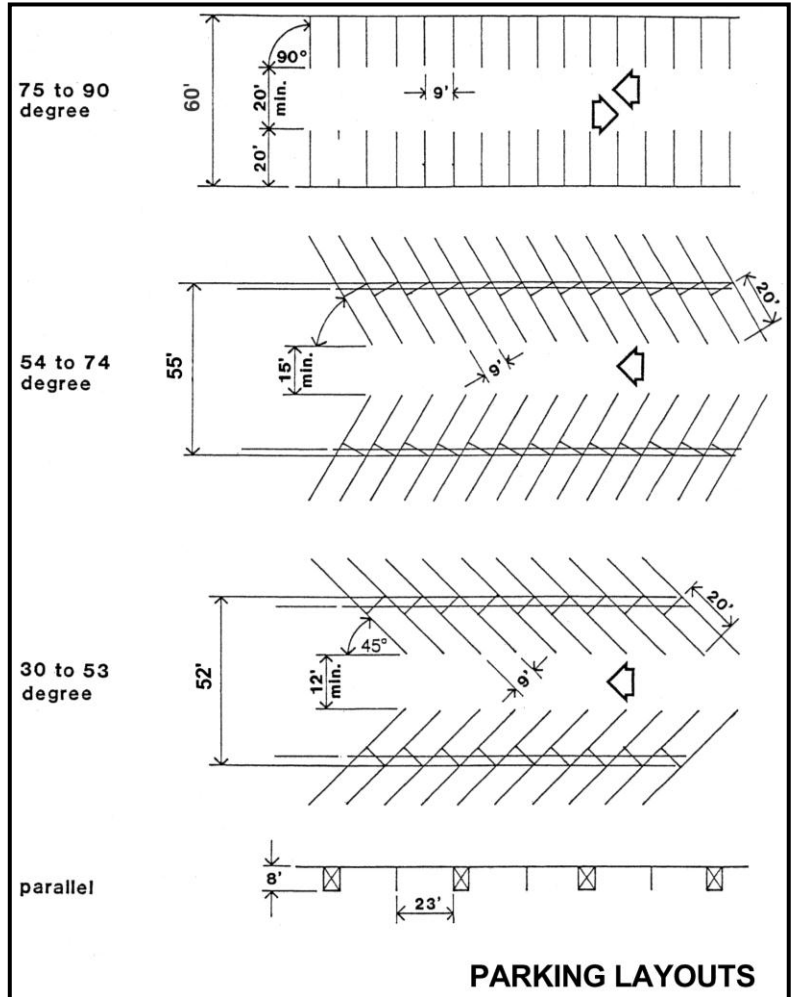
D. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities, and such facilities shall be designed to prevent vehicles from backing into the street, backing into an access drive or requiring the use of the street for maneuvering between parking rows.

TOTAL PARKING SPACES	BARRIER-FREE PARKING SPACES REQUIRED	VAN-ACCESSIBLE BARRIER-FREE PARKING SPACES REQUIRED
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces

- E. **Curbing.** Parking lots shall be provided with concrete curbs and gutters for the protection of adjoining properties, streets, sidewalks and landscaped areas.
- F. **Sidewalks.** In all cases where off-street parking spaces directly abut a public or private sidewalk, the sidewalk shall be widened to at least seven feet (7') in width to accommodate vehicle encroachment.
- G. **Stacking spaces for drive-through facilities.** Where required by this Article, stacking spaces shall be ten feet wide by twenty feet long (10' x 20'). Stacking spaces shall not intrude into any street right-of-way, public easement or sidewalk.

- H. **Driveways and parking for single- and two-family (duplex) dwellings.** Parking spaces for a dwelling shall consist of an accessory driveway, garage or combination thereof, plus any on-street parking spaces located between the intersections of the side parcel boundaries and the street right-of-way. Such parking spaces shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone, gravel or crushed limestone.

On all lots less than 10 acres in area or three hundred and thirty feet in width, not more than two (2) parking spaces may be provided on a driveway within the required front yard, and no parking shall be permitted on lawns or other unpaved areas of a residential lot. A maximum of one accessory driveway shall be permitted per dwelling, with a maximum width not to exceed twelve feet (12') or the total width of all accessory garage doors served by the driveway, whichever is greater.



- I. **Grading and drainage.** Driveways and other parking areas shall be graded and drained to dispose of surface waters in accordance with Township requirements. Surface water shall not be permitted to drain on to adjoining property, except in accordance with an approved drainage plan.

- J. **Parking layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH (feet)	PARKING SPACE WIDTH (feet)	PARKING SPACE LENGTH (feet)	TOTAL WIDTH OF ONE ROW OF SPACES PLUS MANEUVERING LANE (feet)	TOTAL WIDTH OF TWO ROWS OF SPACES PLUS MANEUVERING LANE (feet)
0° (parallel)	24' (two-way)	8'	24'	20'	40'
30° to 53°	12' (one-way)	9'	20'	30	52'
54° to 74°	15' (one-way)	9'	20'	33'	55'
75° to 90°	20' (two-way)	9'	20'	40'	60'

Section 9.06 Off-Street Loading.

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be ten feet wide by fifty feet long (10' x 50'), with a fifteen foot (15') height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be provided in accordance with the following schedule:

USABLE FLOOR AREA (square-feet)	LOADING AND UNLOADING SPACES REQUIRED BY DISTRICT	
	C-1 AND C-2	I
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,00 in excess of 100,000
300,001 to 500,000	10 plus 1/100,000 in excess of 300,000	10 plus 1/100,000 in excess of 300,000
Over 500,000	12 plus 1/250,000 in excess of 500,000	14 plus 1/150,000 in excess of 500,000

- A. No loading space shall be located closer than fifty feet (50') to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- B. Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern or other factors.
- C. Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the Township.

Section 9.07 Modification of Standards.

- A. **Exceeding maximum number of required spaces.** Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary, based upon evidence supplied by the applicant, to accommodate the use on a typical day of operation.

- B. **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Township after the Zoning Administrator documents three (3) incidents of problem parking on the site.

- C. **Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Article:
 - 1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
 - 2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 - 3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
 - 4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

Section 9.08 Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A. Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.

- B. Parking and loading facilities for an established use shall not be encroached upon, unless an equivalent number of required spaces have been provided elsewhere in accordance with this Article.

- C. All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.

ARTICLE 10 RESERVED

ARTICLE 11

LANDSCAPING, SCREENING AND BUFFERING

Section 11.01 Purpose.

Landscaping, screening and land uses buffers are critical site design elements that contribute to the positive aesthetic qualities, pattern of development, stability of property values, privacy of residential uses, and overall character of the Township. The purpose of this Article is to:

1. Protect the rural character, appearance and value of land through the judicious and thoughtful use of landscaping, screening and buffering techniques that present a finished and aesthetically pleasing appearance, preserve environmental quality, and enhance the appearance of the Township, thereby reducing conditions that may lead to blight.
2. Protect the health, safety and welfare of motorists, pedestrians and children by establishing landscaping design standards that guide and orient traffic flow within a site, and separate and protect pedestrian areas from vehicular encroachment.
3. Encourage flexibility in the administration of this Article, and creativity and innovation in landscape site design, including the incorporation of existing vegetation, topography and other site features into the design and placement of landscaping.
4. Buffer the visual impact of parking lots, storage areas and similar activities from street rights-of-way and adjacent properties, provide adequate protective screening for residential uses adjacent to or near business or industrial zoning districts or uses, and establish minimum standards for the design, installation, and maintenance of landscaping, screening and buffer areas between uses.
5. Establish realistic and achievable objectives for the screening or buffering of uses of a significantly different scale or character, and the enhancement of individual sites, street rights-of-way and other areas of the Township through appropriate landscaping.

The standards of this Article are considered the minimum necessary to achieve these purposes. Applicants are encouraged to provide additional landscaping and screening where possible to improve the function, appearance and value of their property and surrounding sites.

Section 11.02 Objectives.

Consideration by the Planning Commission of site landscaping, screening and buffering shall reflect the purpose of this Article and the following objectives:

- A. Site landscaping shall be innovative and creative in design, and shall reflect the unique conditions and accommodate the specific circumstances of the site.
- B. At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this Article, and shall maintain that effectiveness as the plant materials mature.
- C. Significant natural, historical and cultural site features, including but not limited to large trees, hedgerows, lakes and other waterbodies, steep slopes, wetlands, archeological sites and historic elements, shall be preserved where practicable.

- D. Where existing sites have been developed without adequate landscaping, screening or buffering, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other site improvements.
- E. Landscaping shall be designed to minimize the cost of general maintenance and upkeep.
- F. Site elements intended for screening purposes shall:
 - 1. Effectively form a complete visual and physical separation between uses of a significantly different scale or character, or between the street right-of-way and specific areas of a site (such as loading areas, off-street parking lots, service areas and storage areas) that require screening.
 - 2. Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
- G. Site elements intended to establish a buffer area shall create a partial visual transition zone between uses of a significantly different scale or character, to reduce the adverse effects of a proposed use on adjacent uses or break-up the visual pattern of parking lots and other large monotonous areas of a site, such as parking lots.

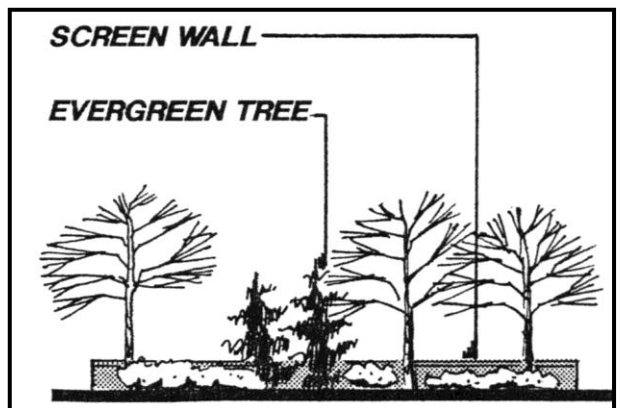
Section 11.03 Scope.

Every property owner and developer has the responsibility to ensure that the use of a lot in the Township does not adversely impact adjacent properties. The provisions of this Article shall apply to all sites that are subject to site plan or sketch plan review in accordance with Article 17.02 (Site Plan Approval). Such sites shall be required to comply with all applicable provisions of this Article.

Section 11.04 Methods of Screening and Buffering.

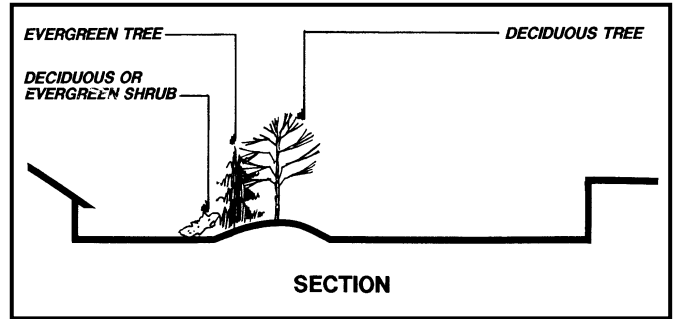
Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited for the existing conditions:

- A. **Screen wall (or fence) with planting strip.** This method shall consist of a decorative brick wall or ornamental fence up to four feet (4') in height, along with a six to ten foot (6' – 10') wide planting strip abutting the base of the wall or fence that includes a mixture of deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one (1) tree and five (5) shrubs per each thirty lineal feet (30').
- B. **Berms.** Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:



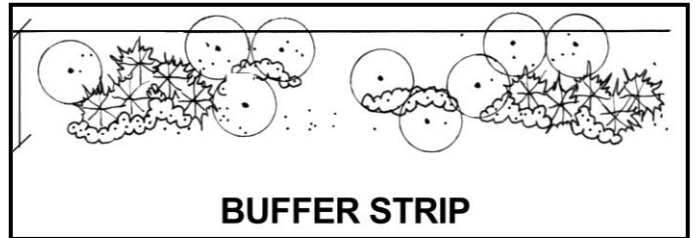
- 1. A berm shall have side slopes no steeper than 4:1 (four feet (4') horizontal to one foot (1') vertical), and the top of all berms shall have a level horizontal area of at least four feet (4') in width.

2. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
3. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers.
4. A mixture of deciduous shade and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one (1) tree and two (2) shrubs per each ten lineal feet (10') of berm.



C. **Evergreen screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted ten to fifteen feet (10' – 15') apart in a minimum of two (2) staggered rows ten to fifteen feet (10' – 15') apart.

D. **Greenbelt buffer strip.** A buffer strip may be required, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are residential in character or less intense than the use of the subject site. A required greenbelt buffer strip shall include the following:



1. Greenbelts shall have a minimum width of six feet (6'), with a preferred width of ten feet (10'), and shall contain appropriate grasses, groundcovers and mulch as necessary.
2. A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each twenty lineal feet (20') of street frontage or length along a property line. Additional trees may be substituted for the required shrubs at the rate of one (1) tree per four (4) shrubs.

E. **Hedgerow.** To provide a low screen to block headlight glare, screen parked vehicles from street rights-of-way, or other circumstances where ground-level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of twenty-four inch to thirty-six inch (24" - 36") high shrubs planted and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.

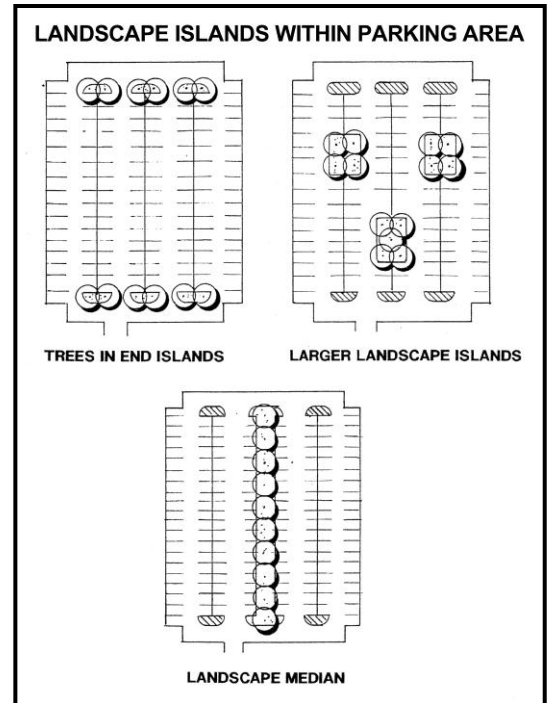
F. **Masonry wall.** Where required, a masonry wall shall be solid and decorative in nature, and at least two feet (2') and no more than six feet (6') in height above grade. Such walls shall be capped, and constructed of masonry (brick, stone, or decorative block) materials that complement the primary building materials.

Section 11.05 Standards for Specific Areas.

The following standards are intended to address the specific landscaping, screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

A. **Parking lots.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of ten feet (10') and a minimum area of one hundred sixty (160) square feet. A minimum of one (1) deciduous shade tree shall be provided for each eighty (80) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.



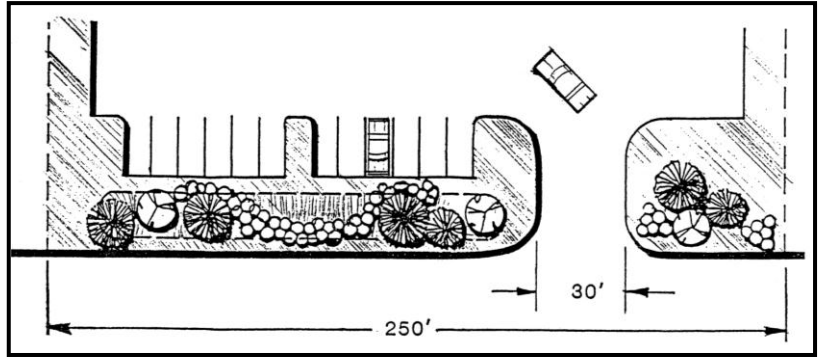
B. **Island turnarounds.** Where cul-de-sac or other dead-end streets are planned within a development, adequate provision shall be made for landscape and maintenance of turnaround islands, including type, size, location and number of plantings, when the work will be completed, how the landscaping will be maintained, and who will be responsible for long-term maintenance.

C. **Waste receptacle screening.** Waste receptacles shall be screened to the satisfaction of the Planning Commission in accordance with Section 11.04 (Methods of Screening and Buffering). Where the enclosure is required by the Commission, a steel-reinforced, lockable wooden gate shall be provided to secure the enclosure.

D. **Utility, mechanical equipment and service area screening.** Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations and similar facilities shall be screened from the street right-of-way adjacent properties in accordance with Section 11.04 (Methods of Screening and Buffering).

E. **Street yard landscaping.** Street yard areas, including the area between the street pavement edge and the street right-of-way line plus any required front yard setback area, shall be landscaped in a manner that enhances the visual character of Township streets and minimizes adverse impacts of vehicular traffic on adjacent uses.

1. **Street trees.** Street tree plantings shall consist of deciduous shade trees planted in one (1) or more rows at regular intervals, or in informal groupings, along the margins of street rights-of-way, in an amount equal to a minimum of one (1) street tree per forty linear feet (40'), as measured along the street right-of-way line.



2. **Front yard setback area plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.

F. **Detention and retention basin landscaping.** Where a detention or retention basin, or similar stormwater management facility is required, landscaping shall be provided that shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
3. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
4. Basins may be planted with a mixture of groundcover plantings native to south Michigan, such as native grasses or wildflowers, provided that such plantings present a finished appearance with minimal maintenance.
5. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative in nature and subject to Planning Commission approval.

G. **Special approval land uses.** Where deemed necessary by the Planning Commission, special approval land uses shall be screened or buffered in a manner that separates the use from the street right-of-way, the view of the general public or adjacent residential areas.

Section 11.06 Landscape Material Standards.

A. **General Standards.** The following shall apply to all plant materials:

1. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI)
2. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
3. All plant material shall be nursery grown, hardy to the climate of southern Michigan, appropriate for the soil, climatic and environmental conditions, long lived, resistant to disease and insect attack.
4. Artificial plant material shall be prohibited.
5. Landscaping shall not conflict with utilities and fire hydrant locations, visibility for motorists, and clearance for pedestrians.
6. Where pavement and landscape areas interface adequate measures shall be taken to protect plants from vehicle encroachment.

B. Groundcovers. The following shall apply to all groundcover materials:

1. Lawn areas shall be planted in species of grass normally grown as permanent lawns in south Michigan. Grass may be sodded or hydro-seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
2. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
3. Stone and synthetic materials shall not be used as a groundcover.

C. Mulch. Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches (3"). Mulch used around trees and shrubs shall be a minimum of four inches (4") deep, and shall be pulled one inch (1") away from tree trunks. Pine bark mulch shall be prohibited. An effective edge treatment must be provided to contain and prevent migration of the mulch.

D. Topsoil. A minimum four inches (4") of topsoil shall be provided for all lawn areas, ground covers and planting beds.

E. Existing vegetation. Existing vegetation to be preserved shall be protected during construction through the use of temporary snow fencing and stakes around the drip line. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

F. Size and variety of plant materials. To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%)

of any one plant species, and shall comply with the following schedule for minimum starting sizes:

LANDSCAPING MATERIALS	MINIMUM SIZE AT INSTALLATION
Deciduous Shade Trees	3 - 3½ caliper-inches diameter
Evergreen Trees	8.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	24 inches in height or spread (B & B)
Vines	30 inches in length

Section 11.07 Prohibited Plant Materials.

The following trees, because of various problems, are not considered desirable plant materials, except where such trees are associated with an appropriate wetland or other ecosystem, where removal of existing trees would result in a substantial loss of screening or buffering for adjacent uses or street rights-of-way, or where noted below:

SPECIES	COMMON NAME
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as ‘Regal’, ‘Pioneer’, ‘Homestead’, ‘Jacan’ and ‘Accolade’
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

Section 11.08 Installation.

All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved landscape plan, and the following:

- A. **Deadline for installation.** Required plant materials shall be planted within three hundred sixty five (365) days of final site plan approval, or one hundred eighty (180) days from the date of issuance of a certificate of occupancy.
- B. **Performance guarantee.** If it is determined that the landscape materials would be jeopardized by weather conditions, the Zoning Administrator may require a performance guarantee, in accordance with Section 1.06 (Performance Guarantees), to cover the cost and ensure the installation of required landscaping by the end of the next planting season. An inspection of plant materials shall be conducted by the Zoning Administrator before a performance guarantee may be released.
- C. **Deviations from approved plan.** Deviations in quantity, type, size and location of plant materials from the approved landscape plan shall be subject to Planning Commission review and approval.

Section 11.09 Maintenance.

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

- A. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
- B. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
- D. All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within thirty (30) days of written notice from the Township, or by the end of the next planting season if it is determined by the Township that the new materials would be jeopardized by weather conditions.
- E. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Section 11.10 Exceptions and Alternatives.

- A. **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Article, provided that the alternative is determined to be in accordance with the purpose and objectives of this Article.
- B. **Existing sites.** Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Article, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

ARTICLE 12

SIGNS

Section 12.01 Purpose.

The purpose of this Article is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the public. It is intended by this Ordinance to give recognition to the legitimate needs of business, industry and other activities, through appropriate guidelines, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not benefit the community, or individual businesses or property owners. (Ord. 10-04, 11/3/2004)

Section 12.02 Definitions.

1. **Freestanding sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mat frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of the sign.
2. **On-premises sign.** A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.
3. **Off-premises sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located. A “billboard” is a type of off-premises sign.
4. **Political signs.** A sign commenting on the election of appointment of a person or an issue or a matter to be voted upon by a public body.
5. **Premises.** A lot as otherwise defined in this Ordinance.
6. **Sign Area.** The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports, uprights, or structure on which this sign is placed. For projecting or double-faced signs, only one display face shall be measured in computing sign area where the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less, provided that the sides are attached to a common structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
7. **Temporary sign.** A sign not constructed or intended for long-term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.
8. **Wall sign.** A sign attached to a wall and not projecting away from the wall more than 12 inches.

(Ord. 10-04, 11/3/2004)

Section 12.03 Sign Permits.

1. **Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.
2. **Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures, and property lines.
 - d. Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
 - e. Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
 - f. Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.
3. **Review of Application**
 - a. **Planning Commission Review.** Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
 - b. **Zoning Administrator Review.** Unless otherwise specified herein, the Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
4. **Removal Agreement or Bond.** The Planning Commission or Zoning Administrator may require a performance guarantee (Section 1.06) to guarantee the future removal of a sign.
5. **Permit Issuance.** Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.
6. **Exceptions.** A new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where a sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for the certain exempt signs listed in Section 12.05 (Exemptions for Sign Regulations).

(Ord. 10-04, 11/3/2004)

Section 12.04 District Regulations.

1. Signs Permitted in the A (Agriculture) District.

- a. On premises freestanding or wall signs having an area not exceeding one (1) square foot for each 10 feet of road frontage with a maximum of 48 square feet for each sign.
- b. Small accessory signs no more than four (4) square feet in area, such as no trespassing signs, signs warning of animals, or signs identifying seed types.
- c. Signs shall be limited to one (1) freestanding sign and one (1) wall sign per street frontage. If the frontage exceeds 1000 feet, one (1) additional freestanding sign shall be permitted.

2. Signs Permitted in the R-1, R-2, and MHP District.

- a. One (1) on premises sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding twenty (20) square feet and a height not exceeding eight (8) feet.
- b. During development of a subdivision or other property for a period not exceeding two (2) years, one (1) sign, having an area not exceeding fifty (50) square feet and a height not exceeding twelve (12) feet is permitted in the subdivision together with signs having an area not exceeding six (6) square feet each and a height not exceeding four (4) feet, directing the public to or identifying models and homes for sale.
- c. Churches, schools, and buildings housing governmental functions and utilities of the Township, County, or State or any subdivision thereof, are permitted to erect one (1) freestanding sign per street frontage not to exceed 30 square feet in area or an overall height of six (6) feet and one wall sign per street frontage not to exceed 20 square feet in area. The area of changeable copy shall not exceed 50% of the area of the sign face.

3. Signs Permitted in the C-1, C-2, and I Districts.

- a. One (1) free standing sign and one (1) wall-mounted sign per street frontage shall be permitted for each individual commercial, industrial, or institutional use located in the C-1, C-2, or I districts.
- b. For multiple-tenant uses such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) freestanding sign per lot or group of lots developed as one (1) lot shall be permitted per street frontage. Also, one (1) wall mounted sign per each individual use or one (1) wall-mounted sign for the entire complex shall be permitted. If an individual use or the entire complex faces multiple street frontages, it shall be entitled to one (1) wall sign per street frontage.
- c. For an industrial, research, or office park developed as a group of individual lots, one (1) freestanding and one (1) wall-mounted sign shall be permitted for each individual use per street frontage. The sign shall be located on the lot of that individual use. Larger developments with more than one entrance from a local or primary road shall be permitted a freestanding sign identifying the development at each such access point to be

approved by the Planning Commission at the time of approval of the overall development.

- d. It shall be unlawful to erect any freestanding sign the height of which is greater than 15 feet above the level of the street upon which the sign faces at the point of the sign. Taller signs may be permitted with the approval of the Planning Commission.
 - e. Freestanding signs shall not have an area exceeding one (1) square foot for every three (3) feet of road frontage of the lot on which it is located and the road upon which the sign will be facing. The maximum size shall be 48 square feet, unless otherwise noted herein.
 - f. In the case of shopping centers, the total surface area of the sign identifying the shopping center and the businesses therein shall be limited to a total of 100 square feet. Identification signs for up to four (4) tenants (individual businesses) may be placed upon and supported by the same stanchion, post, or other support as the shopping center identification sign, provided there is uniformity in design and the total area of signage does not exceed 100 square feet.
 - g. The total area of a wall-mounted sign shall not exceed one and one-half (1½) square feet per lineal foot of building frontage, but in no case shall the wall sign exceed forty-eight (48) square feet in area.
 - h. Wall-mounted signs shall not project outward from the wall more than one (1) foot or above the cornice or roofline. Signs shall not be taller than the eaves of a pitched roof or taller than the top of a flat roof. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
 - i. In the case of an individual retail establishment, the owner may have the option to interchange the square footage allowed for freestanding and wall-mounted signs, provided that the total square footage for both signs does not exceed the total permitted for that site.
 - j. Where an individual lot has more than one occupant, the maximum area of signage permitted for that sign shall be divided among them in the same proportion as floor space and outdoor sales space is occupied.
4. **Setbacks.** All signs shall satisfy the minimum setback requirements of the zoning district in which they are located, except as follows:
- a. Freestanding signs in the front yard shall be setback a minimum of ten (10) feet from the right of way. If the property is adjacent to a private road, the sign shall be setback a minimum of fifteen (15) feet from the edge of the pavement.
 - b. If the property is located along U.S. Highway 12, the front yard setback minimum for freestanding signs shall be reduced to two (2) feet.
 - c. No sign shall be located so that it will obstruct the view of the driver of a vehicle at an intersection or driveway. There shall be provided an unobstructed triangular area in which no signs shall be located. The sides of the triangle shall be established by the edge of the pavement. The sides of the triangle extend from the intersection of the two road segments. (In the case of a rounded corner, the pavement lines shall be extended in

straight lines until they intersect to establish the starting point.) At an intersection of two streets, the sides of the triangle shall extend 25 feet from the starting point. At an intersection of a street and a driveway, the sides shall extend 15 feet from the starting point. Connecting the far ends of each side with a long, straight line across the yard completes the triangle.

(Ord. 05-04, 9/7/2004; Ord. 10-04, 11/3/2004)

Section 12.05 Exemptions from Sign Regulations.

The following signs are exempt from Sign Regulations:

1. Signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger;
2. Signs prohibiting or regulating the use of property, traffic, or parking thereon;
3. Signs advertising the premises for sale or rent;
 - a. Signs having an area of not more than six (6) square feet each may be located anywhere on the property provided they are not located in the public right of way.
 - b. Signs larger than six (6) square feet shall have a maximum size of 32 square feet and must be set back from all property lines by 25 feet unless attached to the building.
4. Signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one (1);
5. Election signs advocating or opposing a candidate for office or a position on an issue to be determined at an election, located at least 100 feet from any entrance to a polling place, subject to the requirements contained in Section 12.07;
6. Signs visible only from the premises on which located or visible off the premises only through a window or windows;
7. Signs posted by duly constituted public authorities in pursuit of their public duties;
8. Essential service signs denoting utility lines, railroad lines, hazards, and particulars.
9. Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of a bronze or another incombustible material, when located flat on the surface of a building and no greater than six (6) square feet in size.
10. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes.

(Ord. 10-04, 11/3/2004)

Section 12.06 Temporary Signs.

Temporary signs other than political signs shall be authorized by the Zoning Administrator for not more than two (2) months at a time by written permit which shall show the size, shape, content, height, number, type of construction and location of such signs and the period during which authorized, upon finding by the Zoning Administrator, on the basis of written information furnished by the applicant that the proposed sign or signs are for the direction and/or information of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment of a fee set by the Township Board of each permit and renewal. If such signs are placed on public property, the Zoning Administrator shall remove them without notice. (Ord. 10-04, 11/3/2004)

Section 12.07 Political Signs

Political signs shall be permitted without permit, subject to the following conditions:

1. **Maximum Area and Number.** No more than four (4) political signs shall be placed on any lot, and the area of each sign shall not exceed sixteen (16) square feet. Political signs shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than 48 inches above average mean grade of the yard on which it is placed.
2. **Removal.** Political signs shall be removed within ten (10) calendar days after the election or event to which it relates.
3. **Placement.** Political signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic.

(Ord. 10-04, 11/3/2004)

Section 12.08 Non-conforming Signs

Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following:

1. **Lawful Existing Signs.** Any sign lawfully existing at the time of this Article which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community as hereafter provided.
2. **General standards.** Nonconforming signs shall be maintained in accordance with the requirements for all signs as specified in Section 12.09 (General Sign Provisions).
3. **Continuance.** A non-conforming sign shall not:
 - a. Be expanded or changed to another nonconforming sign;
 - b. Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign in such a way that maintains the non-conformity;

- c. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
 - d. Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.
4. **Servicing.** Painting, servicing, cleaning, or minor repairs to a nonconforming sign shall be permitted provided that the sign is restored to its original design and all work is in compliance with the applicable structural requirements for all signs as specified in Section 12.09 (General Sign Provisions).
 5. **Alterations.** Alterations to a nonconforming sign, including changes to the sign frame, sign copy area, panels or structural elements greater than those covered in paragraph 4 above, shall require approval of appropriate permits. The sign shall be brought into compliance with the requirements of this ordinance, area, and set back.

In the event that an individual desires to make alterations to a nonconforming sign and maintain the nonconforming status, approval of the Planning Commission shall be required. (e.g. A sign is taller than permitted and a structural change is required when a new business acquires the site. The new business would like to keep the sign at the present height even though it is above the Ordinance requirements. They would have to apply to the Planning Commission for approval.)

6. **Intent.** It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Article, become non-conforming, and to administer this Article to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore;
 - a. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Article if said sign becomes nonconforming due to a change occurring after adoption of this Article, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
 - b. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.

(Ord. 10-04, 11/3/2004)

Section 12.09 General Sign Provisions

1. **Permission of Owner or Occupant.** It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
2. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire, and electrical codes and standards of this Article. Wood products shall be treated to prevent deterioration. Letters, figures, and characters shall be safely and securely attached to the sign structure. All signs shall have a surface or facing of noncombustible material. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood, or nails.

3. **Restrictions on Movement.** It is unlawful to erect or maintain any sign, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or images, whether movement is caused by machinery, electronics, or otherwise, including swinging signs. It is unlawful to erect or maintain strings of flags or streamers.
4. **Illumination.** It is unlawful to erect or maintain any illuminated sign where the light source moves or is not of constant intensity and color, or where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway, or parking areas or into any window or any residence within 200 feet, of where the illumination interferes with the visibility or readability of any traffic sign or device.
5. **Exceptions.** Paragraphs 3 and 4 above shall not be applied to prevent the erection of maintenance of holiday lights each year or signs that convey changing information such as time or temperature.
6. **Signs Located on or Projecting Over Public Property.** It is unlawful to erect or maintain any sign on, over, or above any public land or right-of-way, if any part of such sign extends more than four (4) feet above such land or right-of-way, is less than nine (9) feet above ground level, or has an area exceeding eight (8) square feet. Signs placed upon a public right-of-way contrary to the provisions of this Ordinance shall be removed by the Zoning Administrator without notice. This Ordinance does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
7. **Maintenance.** All signs, sign frames, sign copy areas, panels, structural elements, lamps, and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.

(Ord. 10-04, 11/3/2004)

Section 12.10 Off-Premises Signs.

Off-premises signs may be established in the C-2 Business District zoning classification provided they meet the following conditions:

1. Not more than three (3) off-premises signs may be located per linear mile of street or highway regardless of the fact that such off-premises signs may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the Township of Quincy where the particular street or highway extends beyond such boundaries. Double-faced off-premises sign structures (i.e. structure having back-to-back Off-premises sign faces) and V-type off-premises sign structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) off-premises sign. Additionally, off-premises sign structures having tandem off-premises sign faces (i.e., two parallel off-premises sign faces facing the same direction and side-by-side to one another) or stacked off-premises sign faces (i.e., two parallel off-premises sign faces facing the same direction with one face being directly above the other) shall be considered as one (1) off-premises sign. Otherwise, off-premises sign structures having more than one off-premises sign face shall be considered as two (2) off-premises signs and shall be prohibited in accordance with the minimum spacing requirement set forth in paragraph 2, below.

2. No off-premises sign shall be located within one thousand (1,000) feet of another off-premises sign abutting either side of the same street or highway.
3. No off-premises sign shall be located within two hundred (200) feet of a residential district and/or existing residence. If the off-premises sign is illuminated, this required distance shall instead be three hundred (300) feet.
4. No off-premises sign shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the off-premises sign is located.
5. The surface display area of any side of an off-premises sign may not be more than three hundred (300) square feet. In the case of off-premises sign structures with tandem or stacked off-premises sign faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.
6. The height of a off-premises sign shall not exceed thirty (30) feet above:
 - a. The grade of the ground on which the off-premises sign sets or
 - b. The grade of the abutting roadway, whichever is higher.
7. No off-premises sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
8. An off-premises sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any off-premises sign have flashing or intermittent lights, nor shall the light be permitted to rotate or oscillate.
9. An off-premises sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur within the vicinity. An off-premises sign must be maintained so as to assure proper alignment of structure, continued structural soundness, a continued readability of message.
10. An off-premises sign established within a business, commercial or industrial area, as defined in the “Highway Advertising Act of 1972” (1972 PA 106, as amended) bordering interstate highways, freeways, or primary highways as defined in said Act shall, in addition to complying with the above regulations, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

(Ord. 10-04, 11/3/2004)

Section 12.11 Sign Removal by Township Action.

1. **Abandoned and Illegal Signs.** The Planning Commission shall have the authority to require the removal of abandoned and illegal signs in the Township subject to the following:
 - a. **Public Hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 of this Ordinance (Public

Hearing Procedures) at which time the owner, operator, or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence that the sign is not abandoned or illegal or should not be removed.

- b. **Determination.** Subsequent to the hearing, the Planning Commission shall make a determination as to whether the sign is an abandoned or illegal sign, as defined by this Ordinance. Written notification of the determination, and any order for removal, shall be provided to the sign owner, operator or person having beneficial use of the property upon which the sign is located.
 - c. **Removal.** Abandoned or illegal signs shall be removed within thirty (30) days of the determination and order for removal by the Planning Commission. All sign copy and component parts shall be completely removed and the area where the sign was located shall be restored as nearly as possible to its original condition. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the expense of the owner of the property upon which the sign is located. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
2. **Damaged Signs.** Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired, replaced, or removed to the satisfaction of the Zoning Administrator by the owner, operator or person having beneficial use of the property upon which the sign is located. Such signs may be repaired or removed by the Township at the expense of the owner of the property upon which the sign is located, if such action is not taken by the owner within ten (10) days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
3. **Nonconforming signs.** Nonconforming signs are to be eliminated, except as otherwise specifically set forth in this section, as rapidly as the police power of the Township permits. The Township Board shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming signs, determined to be in violation of the requirements of Section 12.08 (Nonconforming Signs) under the power of eminent domain, in accordance with the laws of the State of Michigan and the provisions of the Township Charter relative to condemnation. The Township Board may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation, or otherwise for the purpose of removal, with the cost paid from general funds.
4. **Temporary Signs.** Temporary signs erected or displayed within a street right of way or corner clearance area without a valid permit, or after the expiration of a permit, may be removed by the Township without notice. Signs removed shall be held by the Township for a fifteen (15) day reclamation period, after which the signs shall be deemed abandoned and shall be discarded.
5. **Unsafe Signs.** Signs determined to be unsafe by the Zoning Administrator shall be immediately removed or repaired to the satisfaction of the Zoning Administrator by the owner, operator, or person having beneficial use of the property upon which the sign is located. Such signs may be removed by the Township at the expense of the owner of the property upon which the sign is located if such action is not taken by the owner within twenty-four (24) hours. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

(Ord. 10-04, 11/3/2004)

ARTICLE 13

EXTERIOR LIGHTING

Section 13.01 Purpose.

The purpose of this Article is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the Township through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this Article to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

Section 13.02 Submittal Requirements.

The following information shall be provided with all site plans, site condominium plans, subdivision plats and permit applications where exterior lighting is proposed to be altered or installed:

- A. The location, type and height of all existing and proposed light fixtures, such as freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting.
- B. Specifications and details for each type of light fixture, including the total lumen output, type of lamp and method of shielding.

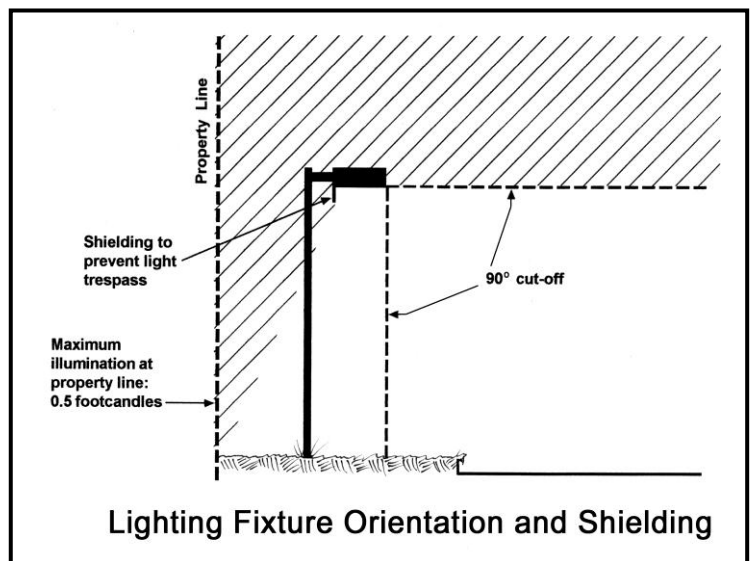
For larger developments or plans that may impact residential areas, the Planning Commission may require a photometric grid indicating the overall light intensity, measured in footcandles, throughout the site.

Section 13.03 General Provisions.

The design and illumination standards of this Article shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.



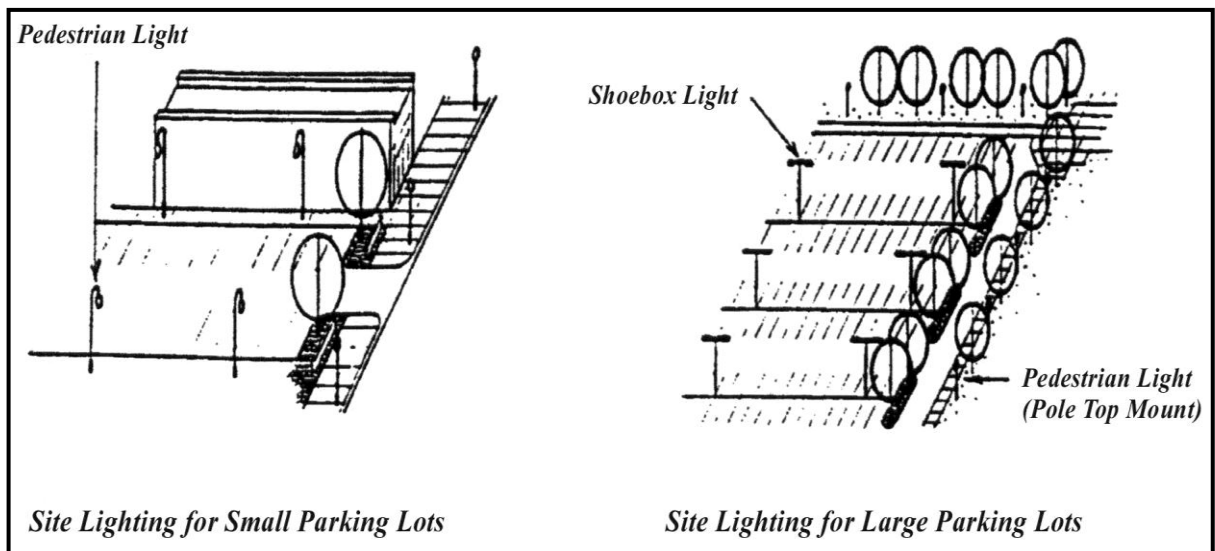
- A. **Fully-shielded.** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.
- B. **Intensity.** The intensity of light within a site shall not exceed ten (10) footcandles within the site, and one (1) footcandle at any lot boundary or street right-of-way line. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.



- C. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way.
- D. **Measurements.** Light intensity levels shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane of the lot or road right-of-way boundaries at a height of five feet (5') above grade. Fixture height shall be measured from grade level to the highest point of the fixture.
- E. **Lamp options.** Lamps with a maximum wattage of two hundred fifty watts (250w) per fixture are recommended for use in the Township to maintain a unified lighting standard and to minimize light pollution. Low-pressure sodium lamps are preferred for security lighting in low traffic areas. High pressure sodium or metal halide lamps are preferred in parking lots and high traffic areas. The Planning Commission may permit the use of other lamp-types and wattages up to four hundred watts (400w) maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this Article.
- F. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

Section 13.04 Standards by Type of Fixture.

- A. **Freestanding pole lighting.** The following standards shall apply to all freestanding pole-mounted light fixtures:



- 1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:
 - a. Fifteen feet (15') high, where such fixtures are located within fifty feet (50') of a residential district or use.
 - b. Twenty feet (20') high, where such fixtures are located more than one hundred fifty feet (150') from a residential district or use.

- c. Twenty five feet (25') high, where such fixtures are located more than three hundred feet (300') from a residential district or use.

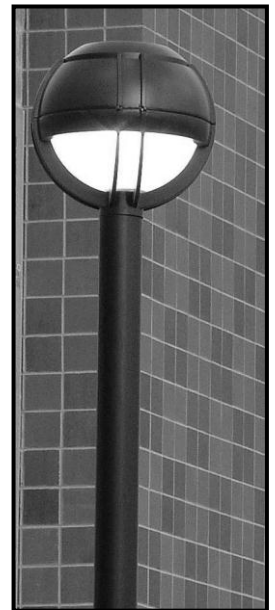
2. **Hours of operation.** All exterior lighting systems in non-residential districts shall incorporate automatic timers, and shall be turned off between the hours of 11:00 p.m. and sunrise, except where used for security purposes, or where the use of the property continues after 11:00 p.m.

B. **Building-mounted lighting.** Unshielded luminous tube or fluorescent lighting shall be prohibited as an architectural detail on all buildings, including but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

C. **Window lighting.** Unshielded luminous tube and fluorescent lighting that is visible through a window from the public way shall be prohibited, and all light fixtures visible from the public way through a window shall be shielded to prevent glare at the property line.

D. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps.

E. **Alternative lighting designs.** The Planning Commission may, as part of site plan review, approve an alternative lighting design, provided that the Commission finds that the alternative design would be in accordance with the purpose of this Article.



Section 13.05 Lamp or Fixture Substitutions.

Light fixtures regulated under this Article shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the substitution would comply with the provisions of this Article.

Section 13.06 Exempt Lighting.

The following types of exterior lighting are exempt from the requirements of this Article, except that the Planning Commission may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A. Holiday decorations.
- B. Shielded pedestrian walkway lighting.
- C. Residential lighting that does not cause no off-site glare or contribute to light pollution.
- D. Cases where federal or state laws, rules or regulations take precedence over the provisions of this Article.

- E. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

Section 13.07 Exceptions.

It is recognized by the Township that there are certain uses or circumstances not otherwise addressed in this Article, such as sports stadiums, streetlighting, or lighting for monuments and flags that may have special exterior lighting requirements. The Zoning Board of Appeals may waive or modify specific provisions of this Article for a particular use or circumstance upon determining that all of the following conditions have been satisfied:

- A. A public hearing shall be held for all exception requests in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
- B. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- C. The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- D. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
- E. Additional conditions or limitations may be imposed by the Zoning Board of Appeals to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

ARTICLE 14

WIRELESS COMMUNICATIONS FACILITIES

Section 14.01 Purpose.

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

Section 14.02 Application.

The following information shall be provided with any application for approval of a wireless communications facility:

- A. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
- B. Street address, parcel identification number or location of the property on which the facility is to be located.
- C. Type of wireless communications facility, as defined in this Ordinance.
- D. **Sketch plan.** A sketch plan shall be provided on eleven inch by seventeen inch (11” x 17”) paper that includes:
 - 1. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred feet of the boundaries of the zoning lot.
 - 2. A landscaping and screening plan that includes details of proposed fencing and the location, size, height and species of all existing and proposed landscaping and screening materials.
 - 3. Elevation drawings of all proposed buildings, towers and other structures on the site.
 - 4. A location map showing the location of the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.

- E. **Service area coverage maps.** A map of the area served by the provider’s existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.
- F. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each wireless communications facility.
- G. **Permission to locate.** The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.
- H. **Co-location agreement.** The petitioner for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.
- I. **Insurance certificate.** The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing Quincy Township as the certificate holder and naming the Quincy Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the petitioner to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- J. **Maintenance agreement.** The petitioner shall submit a plan for the long term continuous maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
- K. **Removal agreement.** The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Article.
- L. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.
- M. **Backhaul network information.** The petitioner shall identify the entities providing the backhaul network for the facilities described in the application and other sites owned or operated by the applicant in the Township.

Section 14.03 Type of Review Required.

The purpose of this Section and table, below, is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following:

SITUATION or USE	REQUIRED REVIEW AND APPROVAL			
	TOWNSHIP BOARD	PLANNING COMMISSION	ZONING PERMITS	EXEMPT
NEW TOWERS AND ANTENNAS				
Construction, alteration or enlargement of wireless communications facilities	◆	◆	◆	
Installation of antennas on existing structures	◆	◆	◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays	◆	◆	◆	
COLOCATION ON EXISTING TOWERS				
Co-location of antennas on an existing approved tower			◆	
SATELLITE DISH ANTENNAS				
Installation of satellite dish antennas with a diameter of less than 1.5 meters				◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger			◆	
AMATEUR RADIO ANTENNAS				
Installation of amateur radio transmission and reception antennas			◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority				◆
OTHER PROJECTS				
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way	◆	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes				◆

Section 14.04 Review Procedure.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- A. Permit review and exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Article. Facilities listed as subject to zoning permit review may also be subject to review and approved by the Zoning Administrator in accordance with Section 1.07 (Permits).
- B. Planning Commission and Township Board review.** Wireless communications facilities subject to Planning Commission and Township Board review shall be reviewed in accordance with the following procedure:

 - 1. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 14.02 (Application).
 - 2. **Technical review.** Prior to Planning Commission and Township Board consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission or Township Board, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
 - 3. **Public hearing.** A public hearing shall be held by the Planning Commission for all proposed wireless communications facilities subject to Planning Commission and Township Board review, in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
 - 4. **Planning Commission recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.

 - a. The Planning Commission shall address whether the facility is in compliance with the requirements of this Article and Ordinance, including, but not limited to the standards listed in Section 14.05 (General Requirements) and Section 14.06 (Site Requirements by Situation or Use).
 - b. The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 14.07 (Criteria for Approval).
 - c. The Planning Commission shall then report its findings and recommendations to the Township Board.
 - 5. **Township Board action.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
 - 6. **Effect of Township Board action.** Approval of the wireless communications facility by the Township Board shall allow the Zoning Administrator to review and issue a permit for the work associated with the application. No work may take place on the site except

in accordance with an approved permit and the design and plans approved by the Township Board. If the Township Board denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.

7. **Expiration of approval.** Township Board approval of a wireless communications facility shall expire three hundred sixty five (365) days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

Section 14.05 General Requirements

- A. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
- B. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency (RF) emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
- C. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
- D. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
- E. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.
- F. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

Section 14.06 Site Requirements by Situation or Use

- A. **Wireless communications towers:** The following shall apply to all wireless communications towers:
 1. **Location.** In the R-1, R-2, and MHP districts, wireless communications towers shall be limited to lots with a minimum area of ten (10) acres occupied by a COMMUNITY USE, as specified in Article 4 (Land Use Tables). In all other zoning districts, wireless communications towers shall be located on lots that have sufficient lot area to accommodate the minimum setback requirements of this Article and Ordinance.

2. **Height.** Towers shall not exceed one hundred ninety five feet (195') in height as measured from grade-level to the highest point of the tower, including any antennas attached to the tower.
 3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
 - a. **From lot boundaries:** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of twenty feet (20'). If located on the same lot with another permitted use, such facilities shall not be located in a front yard.
 - b. **From adjacent districts and uses:** A minimum of three hundred feet (300') from the boundary of a residential zoning district or lot occupied by a residential use.
 4. **Fencing.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a six foot (6') high fence or decorative masonry wall, with a lockable gate to prevent unauthorized persons from accessing the tower. Barbed-wire is not permitted.
 5. **Screening.** Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:
 - a. **Ground equipment screening.** A screen on all sides consisting of evergreen trees planted ten to fifteen feet (10' – 15') apart (on center) in two staggered rows ten feet (10') apart, or one (1) row of upright arborvitae planted no more than three feet (3') apart with a six foot (6') starting height. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 - b. **Street trees buffer zone.** A greenbelt, consisting of one (1) deciduous tree for every thirty feet (30') of lot frontage on a public road, shall be provided to buffer the view of the tower from adjacent public road. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 6. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.
- B. **Antennas located on structures:** The following shall apply to all antennas located on structures:
1. The primary use is a conforming use in the zoning district, and the structure has a minimum height of thirty five feet (35').
 2. The antenna and support structure shall be permanently secured to the structure.

3. Where the antenna and support structure is located on a primary building, it shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than ten feet (10’).
 4. The equipment enclosure shall be in a secured space within the structure, or may be located on the structure, provided that the design is architecturally compatible with the structure.
- C. **Amateur radio antennas:** One such antenna shall be permitted per lot, with a maximum height of sixty feet (60’), and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height. Such antennas shall be accessory to a primary building on the same lot, and shall be located in the rear yard area.
- D. **Satellite dish antennas:** One such antenna shall be permitted per lot, with a minimum setback from all lot boundaries equal to one hundred fifty percent (150%) of the height of the antenna and support structure. Such antennas shall be accessory to a primary building on the same lot, and shall be permanently installed on the primary building or located in the side or rear yard area in a manner not visible from any road right-of-way.

Section 14.07 Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements.** The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
- B. **Engineering requirements.** The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
- D. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
- C. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.
- D. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

Section 14.08 Existing Towers and Antennas.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 14.05 (General Requirements) and all approved plans, permits and conditions of approval.

Section 14.09 Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Article, or maintain and operate the facility in compliance with the provisions of this Article shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision with regard to rescission shall be made by the Township Board. Written notification of the decision, and any order for removal, shall be provided to said owner, operator or leaseholder.

Section 14.10 Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than three hundred sixty five (365) contiguous days, shall be removed by the owner or operator within ninety (90) days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

ARTICLE 15 RESERVED

ARTICLE 16

SPECIAL LAND USES

Section 16.01 Purpose.

This Article is intended to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, prevent adverse impacts on neighboring properties and districts, protect natural resources and facilitate development in accordance with the land use objectives of the Master Plan.

Section 16.02 Application Requirements.

Special land use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The application shall be submitted by the owner or operator of the proposed use, the owner of an interest in the lot where the special land use would be located, or by the owner or operator's designated agent. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special land use applications shall be submitted to the Township on the forms and according to the guidelines provided by the Township, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.
 - 2. The names and addresses of all owners of record, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
 - 3. Legal description, address, location and tax identification number of the property.
 - 4. A detailed description of the proposed use.
 - 5. A site plan that meets the requirements of Article 17 (Site Plan Approval).
 - 6. Appropriate fees, as determined by the Township Board.
 - 7. Any other information, including an impact assessment in compliance with Section 1.12 (Impact Assessments), deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

Section 16.03 Review Procedure.

After a complete and accurate application has been received with appropriate review fees, the application shall be reviewed in accordance with following procedure:

- A. **Acceptance for processing.** The application shall be placed on the agenda of the next available regularly-scheduled Planning Commission meeting to set a public hearing date.
- B. **Coordination with site plan review.** Any site plan associated with a special land use application shall not be approved unless the special land use has first been approved by the Township Board.

- C. **Technical review.** Prior to Planning Commission consideration, application materials and plans shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the application materials and plans may also be submitted to applicable outside agencies and designated Township consultants for review and comment.
- D. **Public hearing.** A public hearing shall be held by the Planning Commission for all special land uses in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
- E. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special land use, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 16.05 (Special Land Use Standards), and shall provide a recommendation to the Township Board. The Planning Commission may postpone consideration of the special land use application, recommend approval, recommend approval subject to conditions or recommend denial to the Township Board for the special land use as follows:
1. **Postponement.** The Planning Commission may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
 2. **Denial.** The Planning Commission may recommend denial of the special land use to the Township Board upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is recommended for denial, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant’s designated representative, to attend two or more meetings shall be grounds for the Planning Commission to recommend denying the special land use.
 3. **Approval.** The Planning Commission may recommend approval of the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards).
 4. **Approval subject to conditions.** The Planning Commission may recommend approval of a special land use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.

- F. **Township Board Action.** The Planning Commission shall transmit its recommendation, together with reports and public hearing findings to the Township Board for final action. The Township Board may postpone consideration of the application, deny, approve, or approve with conditions a special land use as follows:
1. **Postpone.** The Township Board may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant
 2. **Denial.** The Township Board may deny the special land use upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant’s designated representative, to attend two or more meetings shall be grounds for the Township Board to deny the special land use.
 3. **Approval.** The Township Board may approve the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards).
 4. **Approval subject to conditions.** The Township Board may approve a special land use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.
 5. **Recording of special land use action.** Each action with respect to a special land use shall be recorded in the meeting minutes of the Township Board and Planning Commission, as appropriate. The minutes shall record the findings of fact relevant to each special land use proposal, the grounds for each action taken, and any conditions imposed in conjunction with approval.
 6. **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.

Section 16.04 Special Land Use Resubmission, Appeals, Expiration or Revocation.

- A. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission or Township Board.
- C. **Expiration of special land use approval.** Special land use approval shall expire three-hundred sixty-five (365) days after the date of approval, unless the use has been established on the site, or the site plan associated with the special land use has been submitted to the Township for review. Special land uses shall also expire upon expiration of the approved site plan associated with a special land use. Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to one hundred eighty (180) days, provided that the special land use conforms to current Zoning Ordinance standards.
- D. **Rescinding approval of special land uses.** Approval of a special land use may be rescinded by the Township Board upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner or operator of the use or owner of an interest in land for which the special land use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 16.05 Special Land Use Standards.

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the Township.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or Township as a whole.
- C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives and policies of the adopted Quincy Township Master Plan.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Township codes and ordinances, federal and state laws and outside agency regulations.

- E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 16.06 Operation and Maintenance

It shall be the responsibility of the owner of the property and the operator of the special land use to develop, improve, operate and maintain the use, (including the site, buildings and all site elements), in accordance with the provisions of this Ordinance and all conditions of approval, until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of this Ordinance.

The Zoning Administrator shall investigate special land uses as necessary to determine continuing compliance with this Ordinance.

ARTICLE 17

SITE PLAN APPROVAL

Section 17.01 Purpose.

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Three types of site plans (site plan, sketch plan and administrative review) have been established to ensure that the type and intensity of review and amount of required information is directly proportional to the scale of the project and the intensity of the use. It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's land use goals, objectives and design guidelines, as stated in the Master Plan.

Section 17.02 Type of Site Plan Review Required.

The following activities are exempt from site plan review due to their relatively low level of impact on adjacent land uses, or because compliance with applicable building, fire and zoning regulations can be addressed by other means:

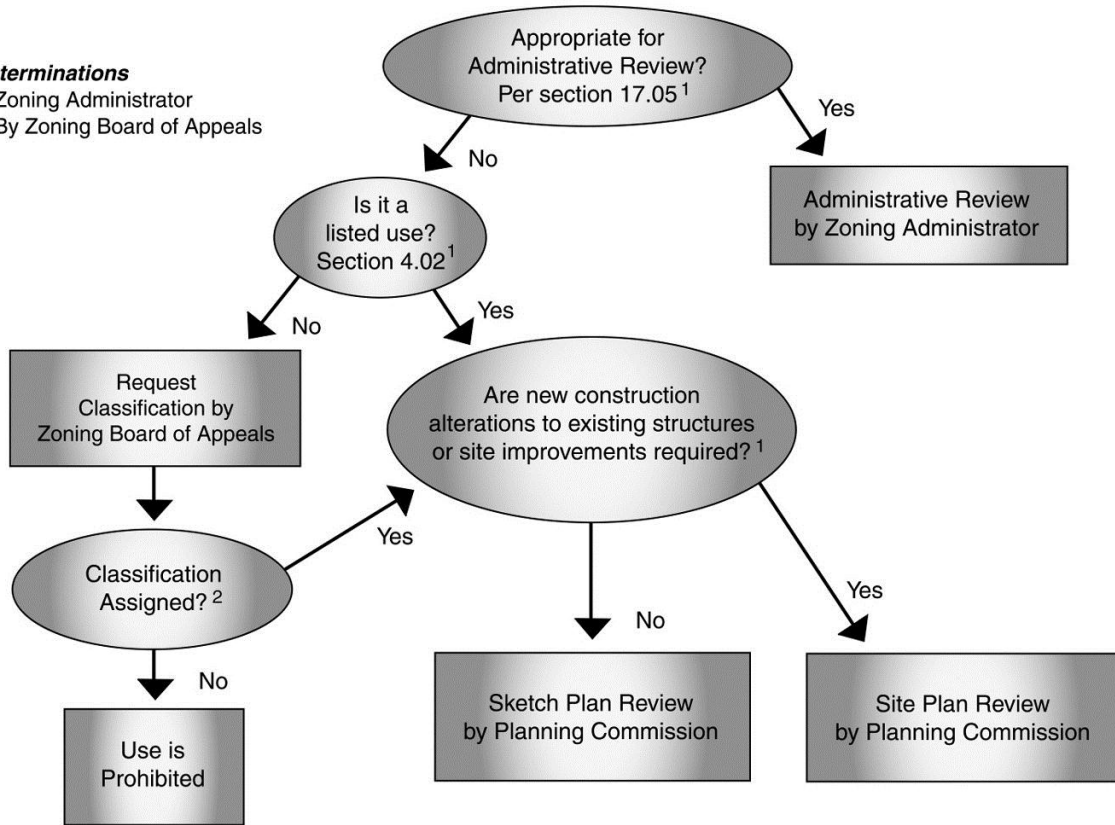
- A. A single-family dwelling and accessory structures on a single lot, in the A, R-1 and R-2 Districts and State Licensed Residential Facilities providing care to 6 persons or fewer for a period of 24 hours a day. (Amended 2007)
- B. Accessory farm buildings (such as barns and silos) used in the agricultural operations on a bona-fide farm with farm and agricultural uses less than 50 animal unit equivalent (see Section 6.101 for description of animal unit equivalent). Farm and agricultural uses involving more than 50 animal unit equivalent shall be subject to site plan review.
- C. Other accessory structures in the MHP, C-1, C-2, and I Districts, up to one hundred twenty (120) square-feet in area. Accessory structures over one hundred twenty (120) square-feet in area in these Districts shall be subject to sketch plan review.
- D. Utility system improvements, and modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or similar regulations.

For all other uses and activities, submission of a site plan shall be required in accordance with the following chart: (see next page)

Type of Site Plan Review Required

Determinations

- 1. Zoning Administrator
- 2. By Zoning Board of Appeals



E. **Types of plan review:**

1. **Site plans.** The most involved process for larger and more intense projects, including most new developments and major expansions.
2. **Sketch plans.** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full site plan. The level of information is intended to be proportionate to the extent of the change, and adequate to verify compliance with applicable Ordinance standards.
3. **Administrative review.** Certain smaller scale projects shall be subject to administrative review and approval in accordance with Section 17.05 (Administrative Review).

Section 17.03 Informal Review of Conceptual Plans.

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project’s compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the County Building Inspector and other Township officials or consultants. Conceptual plans should include, at minimum, the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

Section 17.04 Site Plan and Sketch Plan Review Procedure.

Site plans and sketch plans shall be reviewed in accordance with the following:

- A. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner’s designated agent, shall submit a completed application form and sufficient copies of a site plan or sketch plan to the Township. Such application shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which review is sought. The site plan or sketch plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Sections 17.09 – 17.12 (Required Information). A site plan or sketch plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
1. **Technical review.** Prior to Planning Commission consideration, the site or sketch plan and application shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review and comment.
 2. **Planning Commission consideration of the site or sketch plan.** The Planning Commission shall review the site plan or sketch plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section 17.13 (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

- a. **Postponement.** Upon determination by the Planning Commission that a site plan or sketch plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a site plan or sketch plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site or sketch plan shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant’s designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site or sketch plan.
 - c. **Approval.** Upon determination that a site plan or sketch plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan or sketch plan shall be approved.
 - d. **Approval subject to conditions.** The Planning Commission may approve a site plan or sketch plan, subject to one or more conditions necessary to address minor modifications to the plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
3. **Recording of site plan action.** Planning Commission action on the site plan or sketch plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission’s action. The Secretary shall mark and sign two (2) copies of the site plan “APPROVED” or “DENIED” as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Township, and one (1) shall be returned to the applicant.
- B. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
 - a. The site design shown on the construction plans is consistent with the approved site plan, except for changes that do not materially alter the approved site design or address site plan or special approval use conditions of approval.
 - b. All local, county and state requirements that apply to the site or proposed use have been satisfied, and all necessary outside agency permits or approvals have been obtained by the applicant.

Section 17.05 Administrative Review.

The following shall apply to all site plans eligible for administrative review:

- A. **Eligible activities.** The following activities shall be eligible for administrative plan review in accordance with this Article:

1. Minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies.
 2. Landscape changes to similar species consistent with the standards of Article 11(Landscaping, Buffering, and Screening) that do not reduce the total amount of landscaping on the site.
 3. Changes to a structure or site required by the County Building Inspector for safety considerations.
 4. Establishment of home occupations specifically listed as a permitted use in Section 6.205 (Home Occupations) of this Ordinance.
 5. Bike path, pathway or sidewalk construction or relocation.
 6. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to one hundred (100) square-feet on a lot occupied by a residential dwelling.
 7. Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.
- B. Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan or sketch plan review, as outlined in Section 17.04 (Site Plan and Sketch Plan Review Procedure), except that the Zoning Administrator shall have the authority to approve, approve subject to conditions, or deny the site plan.
- C. Appeals to the Planning Commission.** The Zoning Administrator or the applicant shall have the option to request Planning Commission consideration of site plans or sketch plans eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site or sketch plan in accordance with the procedures outlined in Section 17.04 (Site Plan Review Procedure).
- D. Reports to the Planning Commission.** The Zoning Administrator shall periodically make a report to the Planning Commission of all administrative site plan review actions.

Section 17.06 Approval of Phased Developments.

Any proposed plan that includes phased development must submit a site plan to the Planning Commission. The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- A. The site design and layout for all phases and outlots be shown on the preliminary site plan to ensure proper development of the overall site.
- B. Improvements associated with each phase shall be clearly identified on the preliminary site plan, along with a timetable for development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

- C. The Planning Commission may require changes to future phases of the development as part of site plan review in response to changes in site conditions, Master Plan recommendations, or amended Zoning Ordinance provisions that affect the character, design or use of the site.

Section 17.07 Site Plan or Sketch Plan Resubmission, Appeals, Expiration or Revocation.

- A. **Resubmission.** A plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of plan determinations, except as follows:
 - 1. The Zoning Board of Appeals shall have the authority to consider appeals of determinations related to the type of review required under Section 17.02 of this Article (Type of Plan Review Required).
 - 2. When the Planning Commission approves a plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Secretary shall provide copies of the site or sketch plan, application materials and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan or sketch plan approval by the Planning Commission.
- C. **Expiration of site and sketch plans.**
 - 1. **Plan approval.** Site plans and sketch plans shall expire three-hundred sixty-five (365) days after the date of approval.
 - 2. **Extension of approval.** Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or sketch plan remains in conformance with all applicable provisions of this Ordinance.
- D. **Rescinding approval of plans.** Approval of a site plan or sketch plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of site plan, sketch plan or special land use approval. Such action shall be subject to the following:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner of an interest in land for which plan approval was sought, or the owner’s designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

Section 17.08 Revisions to Approved Site and Sketch Plans.

Minor revisions to an approved site plan or sketch plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended plan.

(The section below is purposefully left blank.)

Section 17.09 Required Information for All Plans.

The following information shall be included with all applications for site plan, sketch plan and administrative review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the site plan:

Section 17.09 (Required Information for All Plans)	REQUIRED
DESCRIPTIVE DATA AND NOTES	
Name, address and telephone numbers of applicant.	●
Name and address of property owner, if different from applicant.	●
Common description of property (address, lot number, tax identification number).	●
Proposed use of land and name of proposed development.	●
Proof of property ownership or option to purchase, and a title search or other evidence of any applicable easements or deed restrictions.	●
Scale and north arrow.	●
SITE PLAN DETAILS	
Location, outside dimensions, setback distances and proposed uses of all site improvements.	●
ADDITIONAL REQUIRED INFORMATION	
Other information necessary to determine compliance with this Ordinance.	●

Section 17.10 Required Information for Sketch Plans.

In addition to the information required by Section 17.09 (Required Information for All Plans), the following information shall be included with all applications for sketch plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the sketch plan:

Section 17.10 (Additional Required Information for Sketch Plans)	REQUIRED
DESCRIPTIVE DATA AND NOTES	
Name, address, telephone and facsimile numbers of firm or individual preparing the site plan, if different from the applicant.	●
Sketch plans shall be drawn to an engineer’s scale of not less than 1" = 50' for property up to three (3) acres in size, and 1" = 100' for property more than three (3) acres in size, with a location map and north-arrow. Sheet size shall be at least twenty-four by thirty-six inches (24" X 36"). If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	●
Written project description and detailed description of the proposed use.	●
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	●
EXISTING CONDITIONS	
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	●
The zoning classification, current land use designation and location of existing structures on the site and all abutting parcels (including across the street).	●
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant’s parcel and all abutting parcels (including across street rights-of-way).	●
SITE PLAN DETAILS	
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, streets, access and drainage.	●
Identification of areas involved in each separate phase, if applicable.	●
Waste receptacle locations and methods of screening.	●
Outdoor sales, display or storage locations and method of screening, if applicable.	●
Locations, sizes, heights, types, methods of illumination and elevation drawings of all proposed signs.	●
ACCESS AND CIRCULATION	
Locations and dimensions of proposed sidewalks and driveways within the site and along public rights-of-way.	●

Section 17.11 Additional Required Information for Site Plans.

In addition to the information required by Section 17.09 (Information Required for All Plans) and Section 17.10 (Information Required for Sketch Plans) the following information shall be included with all applications for site plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

Section 17.11 (Additional Required Information for Site Plans)	REQUIRED
EXISTING CONDITIONS	
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements, with notes indicating which features will be removed, altered or preserved and details about the method of preservation or alteration.	●
SITE PLAN DETAILS	
Proposed lighting locations, heights, specifications and methods of shielding, along with elevation drawings of all freestanding pole lighting with overall height from grade.	●
BUILDING AND ARCHITECTURE DETAILS	
Building façade elevations, where changes are proposed, indicating type and color of building materials, roof design, projections, awnings, windows, entrance features and other architectural features.	●
ACCESS AND CIRCULATION	
Designation of fire lanes, where required by the Township.	●
Location and dimension of loading and unloading areas, where required.	●
LANDSCAPING AND SCREENING	
Landscape plan and planting list, including location, size, quantity method of installation and type (botanical and common names) of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	●
UTILITIES, DRAINAGE AND THE ENVIRONMENT	
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, finished grades of all buildings, driveways, walkways, and parking lots, drainage patterns and a general description of grades within one-hundred feet (100') of the site to indicate stormwater runoff.	●
Soil erosion and sedimentation control measures.	●
ADDITIONAL REQUIRED INFORMATION	
Other information necessary to determine compliance with this Ordinance	●

Section 17.12 Additional Information for Large-Scale and Residential Site Plans.

In addition to information required for All Plans (Section 17.09), Sketch Plans (Section 17.10), and Site Plans (Section 17.11); the following information may be required by the Planning Commission with all applications for large-scale projects (twenty-acres or more in gross area, or 40,000 square-feet or more in gross floor area) and residential developments subject to site plan review (site condominium, planned development, multiple-family, etc.):

Section 17.12 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRED
DESCRIPTIVE DATA AND NOTES	
Notation of required variances or use approvals that must be or have been approved for the site.	●
Detailed parking calculations, in accordance with the standards of Article 9.	●
EXISTING CONDITIONS	
An aerial photograph of the entire development area (at least twenty-four by thirty-six inch (24" x 36") sheet size), with environmental features labeled on the photo in a "bubbled" fashion, including woodlands, wetlands, groundwater recharge areas, drains, creeks, surface water, severe changes in topography, viewsheds and floodplains. Photos are available from the Branch County Planning Department.	●
Zoning districts and land uses for surrounding land within three hundred feet (300') of the site boundaries.	●
Driveways, sidewalks, paths, streets and curb cuts within three hundred feet (300') of the site boundaries.	●
SITE PLAN DETAILS	
Two (2) site cross-sections, drawn to an appropriate scale.	●
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles.	●
BUILDING AND ARCHITECTURAL DETAILS	
Building floor plans and accessory structure details.	●
ACCESS AND CIRCULATION	
Dimensions and centerlines of existing and proposed rights-of-way, including those abutting the site, and names of abutting streets.	●
Indication of width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces, with appropriate cross-sections and curve radii.	●
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	●
Dimensions of parking spaces and maneuvering aisles, with pavement markings and traffic control signage.	●

Section 17.12 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRED
LANDSCAPING AND SCREENING	
Landscape maintenance plan.	●
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides, and method of mechanical equipment and transformer pad screening, where applicable.	●
UTILITIES, DRAINAGE AND THE ENVIRONMENT	
Schematic layout of existing and proposed sanitary sewers, water lines, fire hydrants, storm sewers, detention or retention ponds and other drainage facilities, gas, electric, and telephone lines and other utilities serving the site.	●
General description and location of stormwater management system, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of retention/detention ponds, and including any required MDEQ permits.	●
Location of any MDEQ regulated wetlands, submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for a MDEQ wetland permit or copy of a permit received including description of any wetland mitigation required; and location of other significant non-regulated wetland areas over two (2) contiguous acres.	●
Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.	●
RESIDENTIAL PROJECTS	
The number and location of each type of residential unit, and any mailbox cluster locations.	●
Method and location of trash removal.	●
Garage and carport locations and details, if proposed.	●
Location and names of roads and internal drives and the pedestrian circulation system.	●
Location, dimensions, floor plans, and facade elevations of community buildings and facilities, if applicable.	●
Locations, sizes and details of facilities for all parks, recreation areas and dedicated open spaces.	●

Section 17.13 Standards for Site Plan and Sketch Plan Approval.

The following criteria shall be used as a basis upon which site plans and sketch plans will be reviewed and approved, approved with conditions, or denied:

- A. **Adequacy of information and compliance with Ordinance requirements.** The site plan includes all required information in a complete and understandable form that provides an accurate description of the proposed uses, structures and site improvements. The site plan complies with all applicable Ordinance requirements, including but not limited to minimum floor space, height of building, lot size, yard space and density.
- B. **Site design characteristics.** All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings. The site is designed in a manner that promotes the normal and orderly development of surrounding property for uses permitted by this Ordinance.
- C. **Site appearance and coordination.** Site elements are designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent existing or future developments. All site features, including vehicle and pedestrian circulation, building orientation, landscaping, lighting, utilities, recreation facilities, and open space are harmonious and coordinated with adjacent properties.
- D. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including but not limited to architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas and significant individual trees.
- E. **Pedestrian access and circulation.** The arrangement of public or common ways for pedestrian circulation connects to existing or planned sidewalks or bicycle pathways in the area, and is insulated as completely as possible from the vehicular circulation system. The site design complies with applicable federal, state, and local laws and regulations regarding barrier-free access.
- F. **Vehicular access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- G. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color.
- H. **Parking and loading.** Off-street parking lots and loading zones are arranged, located and designed to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, enhance the character of the neighborhood, and promote shared-use of common facilities by adjoining properties.
- I. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical equipment,

loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.

- J. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- K. **Impact upon public services.** The impact upon public services will not exceed the existing or planned capacity of such services, and adequate public services (including but not limited to utilities (water, sanitary & storm sewers, county drains, natural gas, electricity and telephone), streets, police and fire protection, public schools and sidewalks/bicycle paths) are available or provided to the site, and are designed with sufficient capacity and durability to properly serve the development.
- L. **Drainage and soil erosion.** Drainage systems, stormwater facilities, and soil erosion, sedimentation and dust control measures are arranged, located and designed to promote shared-use of common facilities by adjoining properties. Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely affected by stormwater runoff and sedimentation.
- M. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the Township’s emergency response capabilities.

Section 17.14 Development and Maintenance in Accordance with an Approved Site Plan.

It shall be the responsibility of the owner of the property for which site plan approval has been granted to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved plan and all conditions of approval, until the property is razed or a new plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Administrator shall make periodic investigations of developments for which plans have been approved. Noncompliance with the requirements and conditions of the approved plan shall constitute grounds for the Planning Commission to rescind plan approval.

ARTICLE 18

SITE CONDOMINIUMS

Section 18.01 Purpose.

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), condominium subdivision plans shall be regulated by the provisions of this Ordinance as site condominiums. The intent of this Article is to ensure that all site condominium subdivisions are developed in compliance with all applicable requirements for the zoning district where the project is located, and all regulations, standards and review procedures for single-family residential subdivision developments that have been or are being established under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Township Codes and Ordinances, including the Quincy Township Subdivision Regulations.

With respect to the review of site condominium plans under this Article, the Township recognizes that it may not always be practical or feasible to precisely apply traditional definitions and measures applicable to developments regulated under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Township Codes and Ordinances. Such review shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Township regulations including the Quincy Township Subdivision Regulations, except that nothing in this Article shall be construed as requiring a site condominium development to obtain plat approval. Site condominium developments are, however, required to obtain site plan approval.

Section 18.02 General Requirements.

- A. **Definitions.** The terms and provisions of this article are defined and used both in the context of the Condominium Act, P.A. 59 of 1978, as amended (MCL 559.101 et seq., MSA 26.50(101) et seq.), and in a manner intended to make comparison possible among the terms used in this Article and those used elsewhere in this Ordinance, the Township Subdivision Regulations, and other applicable Township Codes and Ordinances. Specifically:
1. “Subdivision lot” shall be synonymous with the term “site condominium lot.”
 2. “Building” or “structure” shall be synonymous with the term “building envelope.”
 3. “Tentative preliminary plat” shall be synonymous with the term “preliminary condominium site plan.”
 4. “Final preliminary plat” shall be synonymous with the term “final condominium site plan.”
 5. “Subdivision” or “single-family residential subdivision” shall be synonymous with the term “site condominium development.”
 6. “Proprietor” shall be synonymous with the terms “applicant” or “developer.”
- B. **Compliance with Township Codes and Ordinances.** Site condominium developments shall comply with all applicable provisions of this Ordinance and the Township Subdivision Regulations. Each site condominium lot shall be located within a zoning district that permits the

proposed use. The density or intensity of the proposed use, and the size of the building envelope and site condominium lot shall be no greater, and spacing no less than would be permitted if the parcel were subdivided in accordance with the Quincy Township Subdivision Regulations or this Ordinance.

- C. Not more than one (1) primary building or use and any permitted accessory structures shall be located on a site condominium lot. Required yards shall be measured from the street right-of-way or boundaries of the site condominium lot to the nearest edge of the building envelope.

Section 18.03 Condominium Site Plan Review.

Township approval of the condominium site plan, condominium documents and construction plans shall be required prior to the start of construction, expansion or conversion of a site condominium project. No permits for construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a site condominium development until all necessary approvals have been granted by the Township. Site plan review for site condominium developments shall follow the procedures established for traditional subdivisions in the Township Subdivision Control Ordinance, with the exception of the deadlines for Planning Commission and Township Board review, as explained in subpart (e) below. Site condominium developments shall further be subject to the following: (Amended 2004)

- A. **Preliminary condominium site plan.** A preliminary condominium site plan shall include all plans, survey, sketches, drawings, statements and additional information required by Article 17, particularly Section 17.12 (Information Required for Large Scale and Residential Site Plans). The preliminary condominium site plan shall assign a number to each building envelope and shall describe the nature, location, and size of common elements. The Planning Commission and Township Board shall review the overall plan, including roads, streets, landscaping, parks and open space, and unit configurations for consistency with the provisions of Section 17.13 of this Ordinance (Standards for Site Plan Approval) and the Township Codes and Ordinances.
- B. **Administrative review of condominium documents.** Following preliminary condominium site plan approval by the Township Board, the applicant shall submit condominium documents, including but not limited to the condominium master deed, bylaws and all related exhibits, to the Township for administrative review and approval by the Township Attorney. These documents should specify who is responsible for maintenance of common elements, and should include the method of funding such maintenance activity. Revisions may be required to ensure compliance with applicable laws, ordinances and established Township policies.
- C. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- D. **Final condominium site plan review.** The final condominium site plan shall include all information required for the approved preliminary condominium site plan and evidence that all necessary state and county agency approvals have been obtained; including utilities, water supply, sewage disposal, drainage, wetlands and roads. Approval of the final condominium site plan shall be contingent upon approval of a development agreement in accordance with Section 18.04 of this Article.
- E. **Review Deadlines.** The Planning Commission shall recommend approval, conditional approval, or denial of a proposed preliminary or final condominium site plan within sixty (60) days after the application was filed with the Township. If no action is taken within sixty (60) days and the review deadline has not been waived, the plan shall be deemed “recommended approved” by the

Planning Commission. Following receipt of the Planning Commission’s action, the Township Board shall take action on the preliminary of final condominium plan within ninety (90) days of the date of filing the original application. The applicant has the right to waive these deadlines in writing, pursuant to Section 3.2 of the Subdivision Control Ordinance. (Amended 2004)

Section 18.04 Development Agreement.

The applicant shall enter into a development agreement with the Township, incorporating therein the terms and conditions of final site condominium plan approval, and shall record the same in the Branch County Register of Deeds office. Such an agreement shall be reviewed and approved by the Township Attorney and Township Board prior to the start of construction. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- C. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- D. **Maintenance agreement.** An agreement providing for adequate maintenance of common elements, public areas and any storm water retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Township may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Township may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two (2) year period after completion.

Section 18.05 Required Improvements.

Construction of utilities, streets, sidewalks, and other improvements may commence only after final approval of the development agreement by the Township Board. Site condominium developments shall further comply with the following:

- A. **Utilities.** To the extent practicable, all utilities, including electric and cable services, shall be underground.
- B. **Monuments.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees). Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor

registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.

- C. **Streets.** Street rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan, with adequate width to accommodate the roadway, sidewalks and public utilities. The developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances. Streets shall be constructed in conformance with the applicable engineering standards of Branch County. Street connections shall be provided to all adjacent parcels, as determined to be necessary by the Planning Commission to provide adequate continuity and connectivity to the County road system.

Section 18.06 Development and Maintenance in Accordance with an approved Condominium Site Plan.

It shall be the responsibility of the condominium association to develop, improve, and maintain the site, including the use, buildings and all site elements in accordance with the approved plan and conditions of approval, until the property is razed or a new Condominium Site Plan is approved. Failure to comply with the provisions of this section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

Section 18.07 Revision of Condominium Site Plans and Amendments to Condominium Documents.

- A. Any revision to the final condominium site plan that would alter the approved site design, uses or intent and conditions of final condominium site plan approval shall be submitted for review as a revised final condominium site plan following the procedure in Section 18.03 (Condominium Site Plan Review).
- B. Any revision to the final condominium site plan that would not alter the approved site design, uses or intent and conditions of final condominium site plan approval may be reviewed following the procedures for administrative site plan review in Section 17.05 (Administrative Review).
- C. Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the Township Attorney and Township Board.

Section 18.08 Relocation of Boundaries and Subdivision of Condominium Lots.

- A. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.
- B. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.

ARTICLE 19

PLANNED DEVELOPMENTS (PD)

Section 19.01 Purpose.

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Create usable open space particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Re-use or re-develop existing sites where an orderly change of use is determined to be desirable, especially where re-use of the site is restricted because of existing nonconformities or the strict application of conventional zoning standards.

Section 19.02 Qualification Requirements.

Planned developments (PD) shall be considered an optional means of development, and thus shall only be permitted when mutually agreeable to the developer, Planning Commission and Township Board. Planned developments shall be in compliance with the following:

- A. **Site conditions.** The proposed PD site shall be in compliance with the following conditions:
 - 1. **Area.** The proposed development site shall be at least twenty (20) acres in area. The Township Board may, upon recommendation from the Planning Commission, permit a PD project on a smaller site if the proposed development would have unique benefits for the area or Township, as a whole.

2. **Ownership.** The site shall be under a single ownership or control, and able to be planned and developed as an integrated unit.
 3. **Location.** PD sites shall be limited to locations that have one or more of the following characteristics:
 - a. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete, and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.
 - b. Sites where flexibility is necessary because of site constraints, including but not limited to incompatible adjoining land uses, traffic conditions that affect ease of access or irregular parcel boundaries.
 - c. Sites where the flexibility of the PD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Township land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans.
 - d. Sites where the large scale of a proposed development justifies permitting certain incidental uses not normally permitted in the zoning district.
 - e. Sites where the public health, safety and welfare is better served through creation of a planned development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, or accessibility for fire and police protection.
 - f. Sites where the proposed development is compatible with the objectives of the Township Master Plan.
- B. **Uses.** The proposed PD may contain any use or combination of uses listed in Article 4 (Land Use Tables), provided that all proposed uses satisfy the following criteria:
1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Master Plan.
 2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site, relative to buildings and uses on lands in the surrounding area.
 3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PD, provided that such uses are carefully integrated in a manner that creates a high quality living environment, and are consistent with good site design and sound planning principles.

- C. **Other conditions.** The proposed PD shall not:
1. Be used for the sole purpose of increasing the density or intensity of development, or avoiding the requirements for dimensional variances.
 2. Be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
 3. Materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans, except where the applicant provides a means of securing public improvements needed to serve the development, and demonstrates to the satisfaction of the Township Board that such added loads will be accommodated or mitigated by the PD.

Section 19.03 Development Standards.

The purpose of this Section is to ensure that planned developments in all zoning districts are compatible with the surrounding area and Township. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Setbacks.** Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, and streets, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings. Reduced or increased setbacks or build-to lines may be required upon review of the Preliminary PD Plan in the interest of establishing a consistent relationship of buildings to the street and sidewalk, to form a visually continuous and pedestrian-oriented street-front, or to ensure adequate buffering between the PD and adjacent uses or districts.
- B. **Maximum height.** Buildings in PD developments shall not exceed forty feet (40') in height, except where taller buildings proposed on the Preliminary PD Plan comply with the following conditions:
1. **Light and shadow.** Buildings or structures greater than forty feet (40') in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows or glare created from reflected or artificial light.
 2. **Privacy.** Buildings or structures greater than forty feet (40') in height shall be designed to avoid infringing on the privacy of adjacent properties, particularly adjacent residential uses or districts.
 3. **Scale of development.** Buildings or structures greater than forty feet (40') in height shall be compatible with the scale of the neighborhood in which they are situated in terms of relative height mass, and scale.
- C. **Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and

conveniently. Sidewalks and streets shall be connected into the overall Township network, and shall be extended to adjacent undeveloped properties to provide future connections.

- D. **Utility infrastructure.** Utilities shall be located underground wherever possible, and shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- E. **Additional considerations.** In their review of a proposed PD development, the Planning Commission and Township Board may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction and visual screening.

Section 19.04 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments, and to ensure that planned developments in residential zoning districts are compatible with the surrounding neighborhood and Township. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance and the Township Subdivision Regulations shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any residential zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Lot size and block length.** To prevent a monotonous appearance, all residential planned developments shall include variations in lot width, lot area and block length. Corner lots shall be a minimum of fifteen (15’) feet wider than standard lots in the development to provide adequate area for two front yard setbacks. Streets, sidewalk and pathway easements and parks shall be used to visually break-up blocks of dwellings in excess of six hundred feet (600’) in length.
- B. **Density.** A variable residential density bonus of up to ten percent (10%) may be allowed in any residential planned development, subject to the following:

1. **Determination of maximum permitted density.** The maximum permitted density shall be determined by one of the following two procedures, at the option of the applicant:

- a. **Calculation.** The maximum permitted density of a residential PD may be calculated by taking seventy five percent (75%) of the buildable area of the lot in square-feet (“buildable area” equals the gross lot area minus the areas occupied by all existing street rights-of-way, easements, wetlands, and waterbodies), dividing the result by the minimum lot area (in square-feet) required for the underlying zoning district, and multiplying the result by the maximum permitted density bonus (up to 10%), as follows:

$$\frac{(\text{buildable area} \times 0.75)}{\text{minimum lot area}} \times \text{density bonus (up to 10\%)} = \text{maximum number of dwellings permitted}$$

- b. **Parallel plan.** The maximum permitted density of a residential PD may be determined through preparation of a parallel plan by the applicant that satisfies all conventional zoning standards and subdivision regulations, where applicable, including but not limited to minimum lot width and area, setbacks, neighborhood open space requirements, street rights-of-way and stormwater detention. During review of the Preliminary PD Plan, the Planning Commission shall review the

parallel plan to determine if it accurately and reasonably shows the number of dwelling units or lots that could be feasibly be constructed under conventional zoning. This number may be increased by a permitted density bonus of up to ten percent (10%).

2. **Criteria for approval of a density bonus.** A residential density bonus of up to ten percent (10%) may be permitted for any residential PD, subject to a determination by the Planning Commission that two (2) or more of the following conditions have been satisfied:
 - a. An integrated mixture of housing types have been included in the PD.
 - b. Recreation facilities, plazas, town squares, commons or similar facilities have been included, above and beyond the minimum open space requirements, within the site or at an off-site location approved by the Township Board.
 - c. Streetscape, roadway, pathway and similar improvements have been included along abutting thoroughfares.
 - d. The PD plan includes removal or renovation of blighted buildings, cleanup of abandoned or contaminated sites, or installation of public water and/or sanitary sewer service in areas where septic systems are present.
 - e. Other similar elements as determined by the Township Board, based upon findings of the Planning Commission.

C. **Open space.** Planned developments that include a residential component shall provide centrally-located, usable open space that is accessible to all residents of the PD:

1. **Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
 - a. The types and arrangement of uses on the site.
 - b. The proposed uses of the open space and types of improvements proposed within the open space.
 - c. The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
 - d. The manner in which the open space is integrated into the overall design of the development.
2. **Amount and quality of open space.** Residential planned developments shall maintain a minimum of fifty percent (50%) of the gross area as dedicated open space. A minimum of seventy-five percent (75%) of the dedicated open space shall be upland area that is accessible to all residents of the PD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet per dwelling in the

residential component of the PD. The active recreational area shall be well drained, graded, seeded or sodded and barrier-free accessible.

3. **Areas not considered open space.** The following land areas shall not be included as dedicated open space as defined in this Section:
 - a. Areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings, including the minimum required setbacks around buildings and perimeter yard setbacks.
 - b. Any portion of the project proposed for non-residential uses, street rights-of-way or access drives.
 - c. Any submerged land area of a pond, lake, river or stream, and any area of the PD that has restricted access or would require payment for access.

4. **Protection of open space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable to the Township that:
 - a. Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PD plan.
 - b. Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded and what standards shall be applied to such maintenance.
 - c. Permits unrestricted access to any active recreation areas by the general public during daylight (dawn until dusk) hours.

Section 19.05 Coordination with Subdivision Plat or Site Condominium Review.

Where a PD includes a subdivision plat, the regulations, procedures and design standards of the Quincy Township Subdivision Regulations shall apply in parallel with the review procedures of this Article. The Preliminary PD Plan shall include the Tentative Preliminary Plat, the Final PD Plan shall include the Final Preliminary Plat, and the Planned Development Agreement shall include the Final Plat. Where a PD includes a site condominium development, the regulations and procedures of Article 18 of this Ordinance (Site Condominiums) shall apply in parallel with the provisions of this Article.

Section 19.06 Informal Review of Conceptual PD Plans.

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project’s compliance with the standards of this Ordinance, and determine the appropriate type of review process. The Planning Commission may also request input from Township Officials, the County Building Inspector and consultants. Conceptual PD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

Section 19.07 Preliminary PD Plan Review Procedure.

Any person or entity owning or controlling land may submit a Preliminary PD Plan, with supporting documentation and a request for a determination whether the proposal qualifies for approval under the PD regulations.

- A. **Submittal.** Submittal of a Preliminary PD Plan for consideration shall include the following, where appropriate:
 - 1. **PD description.** A detailed description of the proposed uses, building and site improvements, phasing plans and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PD, state why a PD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to Quincy Township and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.
 - 2. **Preliminary PD Plan.** A Preliminary PD Plan shall be provided that includes scaled drawings showing property boundaries, existing site conditions, significant site features (woodlands, landmark trees, wetlands, waterbodies, historic structures, archeological sites, etc.), current zoning and land uses, adjacent zoning and land uses, general development plans, phasing and building layouts, the location, type and intensity of each proposed use, relationships to adjoining parcels, vehicular and pedestrian circulation patterns, and the general arrangement of any open spaces or landscape areas.
 - 3. An impact assessment, if required by the Planning Commission or Township Board, in compliance with Section 1.12 of this Ordinance (Impact Assessments).
 - 4. Additional maps, plans or documents necessary to adequately describe the proposed project.
- B. **Technical review.** Prior to Planning Commission consideration, the Preliminary PD Plan and documentation shall be distributed to appropriate Township officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Preliminary PD Plans in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
- D. **Planning Commission consideration of the Preliminary PD Plan.** Subsequent to the hearing, the Planning Commission shall review the proposed PD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the qualification requirements for a PD (Section 19.02), and whether the Preliminary PD Plan is consistent with the purpose and provisions of this Article. The Commission shall then report its findings and recommendations to the Township Board.
- E. **Township Board action on the Preliminary PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Preliminary PD plan, and shall set forth the reasons for their action. A determination that a proposal qualifies for PD approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for Final PD Plan approval. In describing such conditions, the Township Board

may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the Final PD Plan.

- F. **Effect of Township Board action on the Preliminary PD Plan.** Preliminary PD Plan approval is intended to provide direction for preparation of the Final PD Plan, but shall not assure approval of the Final PD Plan. Preliminary PD plan approval shall expire two (2) years after the date of approval, unless the Final PD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PD plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan. If the Township Board denies the Preliminary PD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PD Plan for further consideration.

Section 19.08 Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.

Section 19.09 Final PD Plan Review Procedure.

Following approval of a Preliminary PD Plan by the Township Board, approval of the Final PD Plan may be sought by the applicant, in accordance with the following:

- A. **Final PD Plan Submittal.** The Final PD Plan shall contain all of the information required for site plans in Sections 17.09 through 17.12 (Required Information) or the Township Subdivision Regulations, as applicable. The Final PD Plan shall include a detailed use statement listing and describing the proposed uses in the PD, and comprehensively illustrating the PD site design, phasing, locations of all structures and site improvements, roads, utilities, sidewalks and other infrastructure, parks and open spaces, enhancements to public services and other features of the proposed PD Development in their intended final form. The Final PD Plan shall also include all documentation necessary to demonstrate that the Final PD Plan is consistent with the approved Preliminary PD Plan and any conditions of approval.
- B. **Technical review.** Prior to Planning Commission consideration, the Final PD Plan and documentation shall be distributed to appropriate Township officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Final PD Plans in accordance with the procedures and notice requirements set forth in Section 1.11 (Public Hearing Procedures).
- D. **Planning Commission consideration of the Final PD Plan.** Subsequent to the hearing, the Planning Commission shall review the Final PD plan, together with any reports and recommendations from officials, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PD Plan conforms to the following objectives and requirements, and shall then report its findings and recommendations to the Township Board:

1. The Final PD Plan is consistent with the approved Preliminary PD Plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
 2. All conditions of Preliminary Final PD Plan approval have been addressed.
 3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- E. **Township Board action on the Final PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Final PD plan, and shall set forth the reasons for their action. Approval of the Final PD Plan shall be contingent upon approval of a Planned Development Agreement in accordance with Section 19.10 of this Article.
- F. **Effect of Township Board action on the Final PD Plan and PD Agreement.** Approval of the Final PD Plan and PD Agreement by the Township Board shall allow the applicant to submit construction and building plans for the project to the County Building Inspector for review. All construction and building plans and permits shall conform to the approved Final PD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PD Plan.
- G. **Expiration of the Final PD Plan.** An approved Final PD Plan shall expire three hundred sixty five (365) days after the date of executive of the PD Agreement, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PD Plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan.

Section 19.10 Planned Development Agreement.

Upon approval of the Final PD Plan, the Township Attorney shall prepare a PD Agreement setting forth the conditions upon which such approval is based, which after approval by resolution of the Township Board, shall be executed by the Township and the applicant. Approval of the Final PD Plan shall become effective upon recording of the Agreement in the Office of the Branch County Register of Deeds, which shall be done at the expense of the applicant. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- C. A listing and specification of all uses permitted as part of the approved PD.

- D. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- E. An agreement providing for adequate maintenance of common elements, public areas and any stormwater retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Township may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Township may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two-year period after completion.

Section 19.11 Phased Developments.

A PD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area.

Section 19.12 Amendments.

Proposed amendments to an approved Final PD Plan that would alter the approved site design, uses or intent and conditions of Final PD Plan approval shall be submitted for review as a revised Final PD Plan following the procedure in Section 19.09 of this Article. Minor changes that would not alter the approved site design, uses or intent and conditions of Final PD Plan approval may be reviewed following the procedures for administrative site plan review in Section 17.05 of this Ordinance.

Section 19.13 Appeals.

The Zoning Board of Appeals shall have no authority in matters covered by this Article.

Section 19.14 Violations.

Any violation of the approved Final PD Plan or PD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance. Approval of a planned development may be rescinded by the Township Board upon determination that the Planned Development Agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, the Final PD plan, or conditions of PD approval. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner of an interest in land for which Final PD Plan approval was sought, or the owner’s designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner or designated agent.

ARTICLE 20 RESERVED

ARTICLE 21 NONCONFORMITIES

Section 21.01 Intent and Purpose.

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

SUMMARY OF NONCONFORMING REGULATIONS

<u>ISSUE</u>	<u>REQUIREMENTS</u>
Period of nonuse before nonconformity must cease	Nonconforming use: 180 days Nonconforming structure: 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions
Substitution of one nonconformity for another	Permitted under certain conditions
Nonconforming contiguous lots under same ownership	Must be combined
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Enlargement of nonconforming structure, when nonconforming with respect to minimum requirement front yard setback	May be enlarged, subject to conditions
Maintenance, structural repairs	Generally permitted
Renovation, modernization	Maximum value: 50% of assessed value

Rebuilding after catastrophe

Permitted if damage is less than 50%
of pre-catastrophe fair market value

(Amended 2008)

Section 21.02 Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

- A. **Effective Date.** Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.
- B. **Nonconforming Structure.** A building or structure or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located. (Amended 2008)
- C. **Nonconforming Lot.** A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.
- D. **Nonconforming Sign.** A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.
- E. **Nonconforming Use.** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- F. **Structural Nonconformity.** A nonconformity that exists when the height, size, or minimum floor space of a structure or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a Dimensional Nonconformity.

Section 21.03 General Requirements.

The following regulations shall apply to all nonconforming uses, structures, and lots:

- A. **Continuation of Nonconforming Uses and Structures.** Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that, unless otherwise noted in this Article, the use shall not be enlarged, or extended to occupy a greater area of land, or moved in whole or in part to another portion of the lot. Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that, unless otherwise noted in this Article, The building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located. 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 an official charged with protecting the public safety, upon order of such official.
- B. **Buildings Under Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in 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 permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

C. Discontinuation of Nonconforming Uses and Structures

- 1. Nonconforming Structure.** When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months or discontinued for any period of time without a present intention to reinstate the nonconforming use, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.
- 2. Nonconforming Uses of Open Land.** If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
- 3. Seasonal Uses.** In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or Condemnation. In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Quincy Township, pursuant to Section 16, Public Act 184 of 1943, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

E. Recording of Nonconforming Uses and Structures. The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure. In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. Change of Tenancy or Ownership. In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Exceptions and Variances. Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. Unlawful Nonconformities. No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Nonconforming Single-Family Uses. Notwithstanding the limitations outlined in this article, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or

replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

- K. **Substitution.** A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.
- L. **Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 21.04 Nonconforming Lots of Record.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- A. **Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto, unless such use has been restricted by a prior affidavit recorded with the Branch County Register of Deeds or as evidenced in the records of the Township. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- B. **Variance from Area and Bulk Requirements.** If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- C. **Nonconforming Contiguous Lots Under the Same Ownership.** If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.
- D. **Combination of Nonconforming Lots.** The County Register of Deeds may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

Section 21.05 Modification to Nonconforming Uses or Structures.

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

A. Applicability

The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.
2. Nonconforming use of buildings designed for a conforming use.
3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
5. Nonconforming structures, such as fences and signs.

B. Enlargement, Extension, or Alteration

1. **Increase in Nonconformity Prohibited.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - a. An increase in the total amount of space devoted to a nonconforming use, or
 - b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.
2. **Permitted Extension.** Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
3. **Permitted Enlargement.** A structure that is nonconforming with respect to the minimum required front yard setback may be enlarged provided that:
 - a. Such enlargement shall be permitted only for a primary building;
 - b. Such enlargement shall not extend closer to the front lot line than the front façade of the building; and

- c. Such enlargement shall conform to all other dimensional standards of the District in which the building is located, as provided in Section 5.101 (Table of Dimensional Standards by District), including side and rear yard setbacks, maximum building coverage, and maximum building height.
- d. If the nonconforming structure is on a corner lot and is nonconforming with respect to both front yards, this permitted enlargement shall only be permitted within one of the front yards (along one of the street frontages). Any enlargement must satisfy the minimum front yard requirement along the other street frontage.

(Amended 2008)

4. **Alterations that Decrease Nonconformity.** Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
5. **Variance to Area and Bulk Requirements.** If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Repairs, Improvements, and Modernization

1. **Required Repairs.** Repairs or maintenance deemed necessary by the Zoning Administrator to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Zoning Administrator or the County Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
2. **Additional Permitted Improvements.** Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

- D. Damage by Fire or Other Catastrophes.** Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means not caused by the property owner may be restored to its pre-catastrophe status. The replacement structure shall not be permitted to expand beyond the footprint (horizontal dimensions) of the pre-catastrophe structure or otherwise increase the nonconformity unless that portion of the structure that is expanding is in conformance with the requirements of this Ordinance. (Amended 2010).

Section 21.06 Nonconforming Uses Determination.

The following shall apply to all nonconforming uses of land in the Township:

- A. **Determinations that a use of land is nonconforming.** This Section is intended to provide reasonable standards for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located. When there is a question or dispute over the status of a use, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:
 - 1. **Procedure.** The procedure for making such determinations shall be as follows:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
 - b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the use of land is conforming, nonconforming or illegal in the district where it is located, and written notification provided to said owner, operator or person having beneficial use of the land in question.
 - 2. **Standards for determining that a use of land is nonconforming.** The Zoning Board of Appeals shall determine that a use of land is nonconforming upon finding that the following statements (a – c) are true:
 - a. The use of land does not conform to the purpose and use regulations of the district where it is located, and the nonconformity cannot be resolved by means available under this Ordinance, such as Article 16 (Special Land Uses).
 - b. The use of land complies with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.
 - c. Evidence from a minimum of three (3) of the following sources demonstrates that the use of land was legally established prior to the effective date of adoption or amendment of this Ordinance:
 - (1) Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - (2) Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 - (3) Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.

- (4) Dated advertising or other information published in a newspaper, magazine or similar periodical including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - (5) Dated aerial photos from Branch County, the U.S. Department of Agriculture or other sources accepted by the Zoning Board of Appeals.
 - (6) Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
 3. **Standards for determining that a use of land is conforming.** The Zoning Board of Appeals shall determine that a use of land is conforming upon finding that the use of land is in compliance with the use regulations of the district where it is located, including any required permits or special approvals.
 4. **Standards for determining that a use of land is illegal.** Any use of land that is not a conforming use in the district where it is located, or determined to be a nonconforming use of land, shall be considered an illegal use of land in the district that has been established in violation of this Ordinance.
- B. **Determinations that a nonconforming use of land has ceased.** The following is intended to provide reasonable standards for determining whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question. When there is a question or dispute over whether a nonconforming use has ceased, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:
 1. **Procedure.** The procedure for making such determinations shall be as follows:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
 - b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, and written notification provided to said owner, operator or person having beneficial use of the land in question.
 2. **Standards for determining that a nonconforming use of land has ceased.** The Zoning Board of Appeals shall determine that a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question upon finding that a minimum of three (3) of the following six (6) statements (a – f) are true:
 - a. **Local, county or state government files or records show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

- b. **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
- c. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
- d. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
- e. **Dated aerial photos from Branch County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use of land has ceased.**
- f. **Other relevant information shows that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

ARTICLE 22

TOWNSHIP PLANNING COMMISSION

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

Section 22.01 Creation.

The Township Planning Commission is created pursuant to the Township Planning Act, Michigan Public Act 168 of 1959, as amended. In accordance with Section 11 of Act 168, the Planning Commission shall have all the powers and duties provided for Zoning Commissions created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. (Amended 2007)

Section 22.02 Composition and Appointments.

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Act 33 of 2008, as amended, Act 110 of 2006, as amended, and Township Ordinances. All appointed members of the Commission may be compensated at a rate to be determined by resolution of the Township Board. (Amended 2007, 2009).

Section 22.03 Removal and Conflict of Interest.

The Township Board shall provide for the removal of a Planning Commission member for misfeasance or malfeasance or nonfeasance in office upon written charges and after a public hearing. A Planning Commission member shall disqualify himself or herself from a vote on which the member has a conflict of interest. Failure to do so constitutes malfeasance in office. (Amended 2007).

Section 22.04 Organization, Meetings, Records and Rules.

The Planning Commission shall elect a Chair, Vice-Chair and Secretary from among the appointed members, and may create and fill such other offices as it may determine necessary. The term of the Chair shall be one (1) year, with eligibility for re-election.

In accordance with Section 5 of Act 168, the Planning Commission shall, by resolution, determine the time and place of meetings. A special meeting may be called by the chairperson or by two (2) members upon written request to the Secretary. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 22.05 Powers and Duties

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

- 1. Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of this Zoning Ordinance, review of amendments to the this Ordinance, and reporting its findings and recommendations concerning this Ordinance or amendments to the Township Board of Trustees.

2. **Site Plan Review.** The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Article 17 (Site Plan Approval). As provided for in Article 17, the Planning Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of site plan approval.
3. **Special Land Use Review.** The Planning Commission shall be responsible review of all applications for special land use approval in accordance with Article 16 (Special Land Uses). As provided for in Article 16, the Planning Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.
4. **Planned Development Review.** The Planning Commission shall be responsible for review of all applications for planned development in accordance with Article 19 (Planned Developments). The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Development proposal.
5. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a master plan (i.e., the Quincy Township Master Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.
6. **Review of Matters Referred by the Township Board.** The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Report on Operation of the Zoning Ordinance.** In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall prepare for the Township Board of Trustees at least once annually a report on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

(Amended 2007)

ARTICLE 23

ZONING BOARD OF APPEALS

Section 23.01 Authority.

There is hereby established a Zoning Board of Appeals (herein referred to as the “ZBA” or “Board of Appeals”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended. (Amended 2007).

Section 23.02 Membership.

The ZBA shall consist of five (5) members who shall be appointed by the Township Board in accordance with Section 601 of Michigan Public Act 110 of 2006, as amended, as follows:

- A. One (1) member shall be a member of the Planning Commission.
- B. One (1) member shall be a member of the Township Board
- C. The remaining members shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.

No employee or contractor of the Township may be a member or employee of the Zoning Board of Appeals. No elected officer of the Township may serve as chairman of the Zoning Board of Appeals.

The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Public Act 110 of 2006, as amended. The ZBA shall not conduct business unless a majority of the members of the Board are present. (Amended 2007)

Section 23.03 Alternates and Removal.

- A. The Township Board of Trustees may appoint not more than two (2) alternate members to sit for the same term as regular members of the Zoning Board of Appeals.
 - 1. An alternate member may be called on to serve in the place of a Board member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.
 - 2. An alternate member may also be called on to serve for the duration of a case if the regular member is absent for one (1) or more meetings.
- B. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a 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 malfeasance in office.

(Amended 2007)

Section 23.04 Organization and Procedures.

The Zoning Board of Appeals shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- A. The Board shall elect a Chair, Vice-Chair and Secretary from its membership.
- B. All meetings of the Board shall be held at the call of the Chair at such times as the ZBA may determine.
- C. The ZBA shall render decisions upon all matters within a reasonable time, not to exceed ninety (90) days from the filing date of a complete and accurate application. The time limit for a decision may be extended by agreement between the applicant or appellant and the ZBA.
- D. The ZBA may distribute the application materials to the Zoning Administrator or other designated Township consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan.
- E. The ZBA may request that any or all of the following information be provided to the ZBA by the Zoning Administrator or Township Clerk, where available and applicable to the issue in question:
 - 1. The history of development on the site in question.
 - 2. A summary of past Township approvals, orders and decisions related to the site or issue in question.
 - 3. Whether all outstanding infractions related to this Ordinance or other Township ordinances have been resolved, other than the issue to be addressed by the Board.
- F. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA shall not conduct business unless a majority of its members are present.
- G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action.
- H. The ZBA shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files and other information pertinent to the matters before it.

Section 23.05 Applications.

Applications to the Zoning Board of Appeals shall be filed with the Township, and a fee established by Township Board of Trustees shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant’s name, address, telephone and facsimile numbers.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
- E. A letter from the applicant summarizing the request, and stating the reasons for the request.

- F. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

Section 23.06 Appeals of Administrative Decisions.

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, or board affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

The Zoning Board of Appeals shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

Section 23.07 Interpretation of Zoning District Boundaries.

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Quincy Township Zoning Ordinance and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, streets, highways, watercourses or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections “A” through “D” above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed one hundred feet (100’) beyond the district line into the remaining portion of the lot.

Section 23.08 Interpretation of Zoning Ordinance Provisions.

- A. **Interpretations.** The Board shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and the Master Plan.

- B. **Determinations of similar uses.** In recognition that every potential use cannot be addressed in this Ordinance, the Board shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a principal or special land use permitted by this Ordinance, subject to the following:
 - 1. Prior to making such a determination, the Board must find that the principal or special land use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare.
 - 2. The Board may make a determination that the use is or is not similar to a use listed in this Ordinance, or may recommend to the Township Board of Trustees that the proposed use be addressed through an amendment to this Ordinance.
 - 3. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited in accordance with Section 2.202 of this Ordinance (Prohibited Uses).
 - 4. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special land use standards that apply to the listed use.

Section 23.09 Nonconforming Determinations.

The Zoning Board of Appeals shall have the authority to determine whether a use of land is conforming, nonconforming or illegal in the district where it is located, and to determine whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, subject to the procedures and standards specified in Article 22 (Nonconformities). The Zoning Board of Appeals shall also have the authority to determine whether a sign is illegal or has been abandoned in accordance with Section 12.11A (Sign Removal by Township Action).

Section 23.10 Variances.

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from dimensional requirements of the Zoning Ordinance regulations that would result in practical difficulties provided such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance.

Variances shall be granted only in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Article. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance.

Variance applications may be brought before the ZBA by a person aggrieved or by an officer, department, board, or bureau of the State or Township. The ZBA shall state the grounds of any decision that is made.

The ZBA may grant a requested variance only upon finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist the ZBA shall consider the following factors:

- A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonable prevent the owner from using the property for a permitted purpose or will render the Ordinance conformity unnecessarily burdensome.
- B. Allowing the variance will result in substantial justice being done; considering the public benefits intended to be secured by this article, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- C. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
- D. The alleged practical difficulties, which will result from a failure to grant the variance, include substantially more than mere inconvenience or inability to attain a higher financial return.
- E. The proposed and resulted need for the variance has not been self-created by the applicant.
- F. The variance is the minimum necessary to permit a reasonable use of the land, building, or structure and does not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

In all variance proceedings, the applicant may provide information, plans, testimony, and/or evidence. Administrative officials and other person may provide information, testimony and/or evidence on a variance request.

(Amended 2007)

Section 23.11 Conditions.

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeals, interpretation, or variance request. The conditions may include requirements necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable or accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents or landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of police power, and purposes that are affected by the proposed use or activity.

- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

Section 23.12 Hearings and Decisions.

The Zoning Board of Appeals shall make no determination on a specific case until after a public hearing conducted in accordance with Section 1.11 (Public Hearing Procedures). Each decisions of the Board of Appeals shall include a written record of the Board’s findings and determinations in the case.

Section 23.13 Fees.

The Township Board of Trustees may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the Zoning Board of Appeals. Such fees shall be paid to the Township at the time of filing the application.

Section 23.14 Limitations of Authority.

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a building permit from Branch County for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the ZBA pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued by Branch County for the structure.
- C. It shall be the established policy of the Township that the Zoning Board of Appeals may not consider variances from the use provisions of this Ordinance that would have the effect of permitting the establishment of a use not otherwise permitted in the zoning district. This is consistent with the requirements of Section 604 of Public Act 110 of 2006, as amended. (Amended 2007).
- D. The ZBA shall not consider appeals of any decisions by the Planning Commission or Township Board regarding requests for approval of amendments, special land uses, or planned developments, as defined in this Ordinance.
- E. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to the following:
 - 1. Appeals of determinations related to the type of review required under Section 18.02 (Type of Site Plan Review Required).
 - 2. Cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the Zoning Board of Appeals. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes

to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.

- F. The Zoning Board of Appeals shall not have the authority to alter this Zoning Ordinance or Zoning Map.

ARTICLE 24

ESTABLISHMENT AND AMENDMENT OF THE ZONING ORDINANCE

Section 24.01 Enabling Authority.

This Ordinance is adopted pursuant to the Township Zoning Act, Public Act 184 of 1943, as amended (MCLA 125.271 et seq.). Said Act is made a part of this Ordinance just as if it were word for word repeated herein.

Section 24.02 Conflicting Provisions Repealed.

The previous Zoning Ordinance adopted by the Quincy Township Board on the 5th day of December, 1994 and ordered to take immediate effect on January 1, 1995, also known as the Quincy Township Zoning Ordinance, is hereby repealed and replaced by this Ordinance, along with all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance.

Section 24.03 Amendments.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance as established herein, subsequently pursuant to the authority and procedure set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. (Amended 2007)

A. Initiation of amendment. Amendments to the provisions of this Ordinance may be initiated by the Township Board or Planning Commission, or by petition from one (1) or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the official Zoning Map may be initiated by the Township Board or Planning Commission, or by the owner or owners of property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board or Planning Commission.

B. Application. An amendment to this Ordinance, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a complete and accurate application to the Township, along with such fee, as established by the Township Board, to cover publication, review, and other miscellaneous costs. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property.
4. A written description of how the requested amendment meets the criteria stated in this Section.
5. An impact assessment, if required by the Planning Commission or Township Board, in compliance with Section 1.12 of this Ordinance (Impact Assessments).

- C. Amendment review procedure.** The amendment and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
- 1. Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the proposed amendment and application materials shall also be distributed to applicable outside agencies and designated Township consultants for review.
 - 2. Public hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Section 1.11 of this Ordinance (Public Hearing Procedures).
 - 3. Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Township Board.
 - 4. Township Board action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall consider the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.
- D. Re-application.** Whenever an application for an amendment to this Ordinance has been denied by the Township Board, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred sixty five (365) days, unless the Planning Commission determines that one or more of the following conditions has been met:
- 1.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
 - 2.** New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
 - 3.** The new application is materially different from the prior application.
- E. Criteria for amendment of the official zoning map.** In considering any petition for an amendment to the official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. The consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
2. The compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. The capacity of Township's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
9. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
10. Other factors deemed appropriate by the Planning Commission and Township Board.

F. 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 once notice shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all text amendments shall be maintained by the Township Clerk. Amendments to the Township Zoning Map shall be maintained by the Township Clerk and shall be identified on said map by number and date. (Amended 2007)

Section 24.04 Conditional Rezoning

- A. **Intent.** There may be certain instances where it would be in the best interests of the Township, as well as advantageous to the property owner to request a change in zoning boundaries if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this Section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MZEA) (MCL 125.3405), as

amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. This option shall apply site planning criteria to achieve integration of the development project into the fabric of the project area.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process prior to the public hearing.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section. All of the application materials required by Section 24.03.B shall be submitted for a conditional rezoning in addition to any other materials described in this Section. The required procedure for a conditional rezoning shall be the same as a conventional rezoning, as provided in Section 24.03 except as modified in this Section.
3. The owner's offer of conditions may not purport to authorize uses or densities not permitted in the requested new zoning district.
4. A conditional rezoning plan (CR plan), drawn to scale, shall be submitted with the conditional rezoning application. The CR plan shall provide the location, size, height, design, architecture, and other measures and features of buildings, structures, and improvements on, and in some cases adjacent to, the subject property. The detail to be offered for inclusion on a CR plan shall be determined by the applicant, subject to review and approval by the Planning Commission and Township Board. The CR plan shall be used to communicate the site specific conditions in the Statement of Conditions and shall be attached by reference to the final rezoning agreement. The CR plan shall not replace the subsequent requirements for site plan, subdivision, or other similar zoning review and approvals.
5. Any use or development proposed as part of an offer of conditions that would require a Special Exception Use Permit under the terms of this Ordinance may only be commenced if a Special Exception Use Permit for such use or development is ultimately granted in accordance with the provisions of Article 16 of this Ordinance. Review of the Special Exception Use Permit should occur subsequent to the review of the rezoning.
6. Any development proposed as part of an offer of conditions that would require a Variance under the terms of this Ordinance may only be commenced if a Variance for such development is ultimately granted in accordance with the provisions of Article 23 of this Ordinance. Review of the Variance should occur subsequent to the review of the rezoning.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such amendment occurs subsequent to the Planning Commission's public hearing on the original rezoning request,

then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. **Planning Commission Review.** The Planning Commission, after holding a public hearing and consideration of the factors for rezoning set forth in Section 24.03.E of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
1. Prior to Planning Commission consideration, the proposed conditional rezoning application and associated materials shall be forwarded to Township officials and staff for preliminary review and comment. If it is determined that the application is not complete, then the applicant shall be contacted to inform them of the additional information that is required.
 2. If deemed necessary by the Zoning Administrator or Planning Commission, the proposed application shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs borne by the applicant.
 3. **Public Hearing.** The conditional rezoning application shall be placed on the agenda for Planning Commission review and scheduled for a public hearing according to the notice requirements and procedures of Section 24.03.E above.
 4. **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall within a reasonable time, make findings of fact based on the review criteria in Section 24.03E. It shall transmit these findings to the Township Board, together with the comments made at the public hearing and its recommendation.
- D. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request, in accordance with the procedures in Section 24.03.C. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 24.03.E of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board may refer the proposed amendments to the Planning Commission for consideration and comment within a specified time or may hold an additional public hearing, either of which shall be in compliance with Section 401 of the MZEA (Public Act 110 of 2006, as amended).
- E. **Elements of a Conditional Rezoning Application.** The following elements shall be reviewed and approved as an integral part of the conditional rezoning application:
1. **CR Plan.** A Conditional Rezoning Plan (CR Plan), with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section (see B.4 above). The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.

2. **Rezoning Conditions.** Rezoning conditions, shall not propose uses or development not permitted in the intended zoning district and shall not permit uses or development expressly or implicitly prohibited in the Statement of Conditions. Rezoning conditions may include some or all of the following:
 - a. The location, size, height, and setbacks of buildings, structures, and improvements.
 - b. The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - c. Measures to preserve natural resources or features.
 - d. Facilities to address storm water drainage and water quality.
 - e. Facilities to address traffic issues, for example, through road paving or other road improvements.
 - f. Open space preservation provisions.
 - g. Minimum landscaping, buffering and screening provisions.
 - h. Added landscaping, above and beyond what is required by the Zoning Ordinance.
 - i. Building design, materials, lighting and sign criteria.
 - j. Permissible and prohibited uses of the property.
 - k. Provisions to preserve historic farms, barns and other buildings to preserve the history of the Township.
 - l. Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation and reuse of land, where previous use of land has caused severe development difficulties, or has caused blight.
 - n. Drainage improvements, beyond what is required by ordinance, using best management practices.
 - o. Such other conditions as deemed important to the development by the applicant.
3. **Statement of Conditions.** The Statement of Conditions, which shall be prepared by the applicant (or designee), with the assistance of the Township Planner or Attorney as desired, shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other terms mutually agreed upon by the parties, including the following terms and requirements:

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- 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 likely not have granted the rezoning but for the terms in the Statement of Conditions.
- b. Agreement and acknowledgement that the conditions and Statement of Conditions are authorized by all applicable state and federal laws and constitution, and that the Statement of Conditions 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 Statement of Conditions.
- d. Agreement and understanding that each of the requirements and conditions in the Statement of Conditions 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.
- e. The Statement of Conditions shall be in a form recordable with the Branch County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
- f. Contain a legal description of the land to which it pertains.
- g. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land, unless otherwise agreed upon.
- h. Incorporate by attachment or reference the CR Plan and any other diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
- i. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Branch County.
- j. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

F. Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions

acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. Final approval of the conditional rezoning shall not be granted until the Statement of Conditions has been submitted to the Board for review.

2. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. All parcels involved in a conditional rezoning shall be designated with the suffix “-CR” following the conventional zoning district designation. The Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
3. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Branch County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
4. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any provisions contained in the Statement of Conditions.

G. Rejection of Request. As provided in Section 24.03.D, an applicant is not required to wait for 365 days to resubmit a conditional rezoning application if denied by the Planning Commission or Township Board as long as the application includes a significant revision to the Statement of Conditions. Otherwise, 365 days is required between applications.

H. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable as provided in Sections 1.14 and 1.15 of this Ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

I. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise

inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

- J. **Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection I above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests as provided in Section 24.03.
- K. **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection J above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Branch County that the Statement of Conditions is no longer in effect. The rezoning process shall be the same as for all other rezoning requests as provided in Section 24.03.
- L. **Amendment of Conditions.**
1. During the time period for commencement of an approved development or use specified pursuant to Subsection I above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- M. **Township Right to Rezone.** Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the MZEA (Public Act 110 of 2006, as amended).
- N. **Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.
- (Amended 2009)

Section 24.05 Validity and Severability.

This Ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

ARTICLE 25

DEFINITIONS

Section 25.01 Rules of Construction.

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

- A. The particular shall control the general.
- B. In the 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 and discretionary.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof. The word “dwelling” includes “residence”. The word “lot” includes the words “plot” or “parcel”.
- 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 firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a “person” under the laws of Michigan.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” 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 all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., “or” also means “and/or”).
 - 3. “Either ... or” indicates that the connected items, conditions, provisions or events may apply singly.
- I. The terms “this Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of Quincy Township and any amendments there to.
- J. The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

- K. The word “he” includes “she.”
- L. The phrase “such as” shall mean “such as, but not limited to.”
- M. The word “including” shall mean “including, but not limited to.”
- N. Terms not defined in Article 25 (Definitions), or elsewhere in this Ordinance shall have the meaning customarily assigned to them.

Section 25.02 Definitions.

For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable. A property owner’s legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Act. The term “act” or “doing of an act” includes “omission to act.”

Adult Care Facility. A facility which provides daytime care for any part of a day but less than twenty-four (24) hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home.

Adult Foster Care Facility. An establishment that provides supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

- A. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- D. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or

more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Uses and Sexually-Oriented Businesses. Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. Sexually-Oriented Businesses and Adult Uses.

1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas” as defined herein.
2. **Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
3. **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
 - a. An emphasis on the exposure of “specified anatomical areas;” or
 - b. An emphasis on “specified sexual activities;” or
 - c. An emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or
 - d. A combination of any of the above.
4. **Adult Model Studio.** Any place where models who display “specified anatomical areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

5. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- a. Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” and/or “specified anatomical areas”, and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - b. Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
6. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gymnasiums, fitness centers and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;
- f. Hospitals, nursing homes, medical clinics, or medical offices;

- g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - h. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
 - i. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.
7. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities”.
- a. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where 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 the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” (as defined herein).
 - b. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities and/or “specified anatomical areas”.
 - c. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
8. **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.
9. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
10. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
11. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one or more of the

persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.

- 12. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

B. Special Definitions. With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:

- 1. **Buttock.** The anus and perineum of any person.
- 2. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
- 3. **Massage Parlor.** An establishment wherein private massage is practiced, used or made available as a primary use of the premises.
- 4. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - a. Genitals, whether or not in a state of sexual arousal; or
 - b. Pubic region or pubic hair; or
 - c. Buttock(s); or
 - d. The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - e. Any combination of the above.
- 5. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
- 6. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
- 7. **Sodomy.** Sexual bestiality.
- 8. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered:
 - (1) Human genitalia and pubic region;
 - (2) Buttock and anus; and

- (3) Female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specified Sexual Activities.** The explicit display of one or more of the following:
- a. Human genitals in a state of sexual stimulation or arousal;
 - b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
 - c. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
 - d. Human excretory functions as part of, or as related to, any of the activities described above;
 - e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.
10. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

Agriculture. The act or business of cultivating or using the land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purpose related to farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alley. A right-of-way that affords only a secondary means of access to adjacent property.

Alterations.

- A. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- B. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- C. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

Animal, Wild or Exotic. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

Appeal. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

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

Billboard. Any non-accessory or off-premises sign, device, design, words, letters, numbers or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

Board of Appeals. The Quincy Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public act 184 of 1943, as amended.

Boat. See Recreation Vehicle.

Boat Dock/Well: The water area in which a boat lies when it is made fast to shore installations.

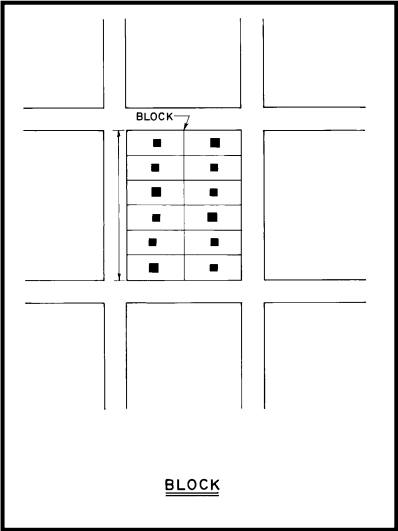
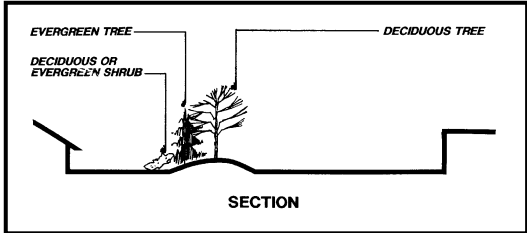
Boat Lift: A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo.

Boat Pier: See Pier.

Boat Port: Any covered structure open on all sides designed for the storage of boats and marine equipment.

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

Buffer Strip. A strip of land often required between certain zoning districts or land uses reserved for plant material, greenbelts, berms, walls, or fencing to serve as a visual barrier.



Build to Line. An alignment that dictates the front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, property, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators,

- A. **Accessory Building or Structure.** A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
- B. **Primary Building.** A building in which is conducted the primary use of the lot on which said building is situated.

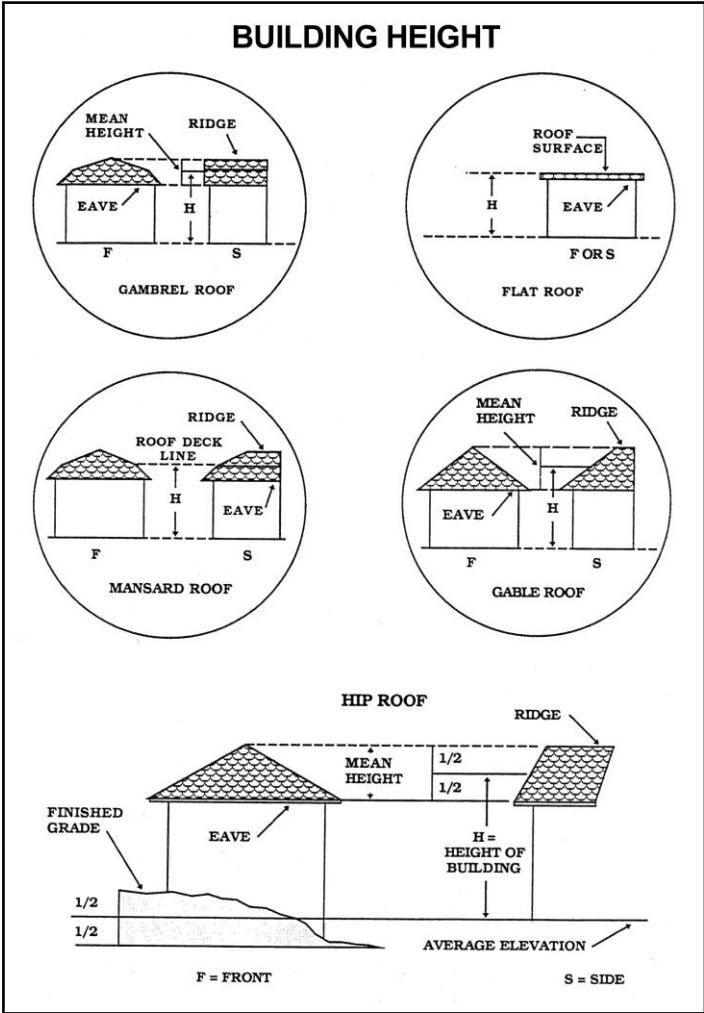
Building Height. The vertical distance measured from the established grade to:

- A. the highest point of the coping of a flat roof;
- B. to the deck line of a mansard roof; or,
- C. to the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- D. seventy-five percent (75%) of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides (see illustration).

Building Official. The officer or other authority designated by the Township Board to administer and enforce the Building Code. In the case of Quincy Township, the Branch County Building Department is the designated building official for the Township.

Building Permit. A building permit is the written authority issued by the Branch County Building Department permitting the construction, removal, repair, moving, alteration or use of building in conformity with the provisions of this Ordinance.



Building Setback or Building Line. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Canopy Tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Care Facility. An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

Caretaker Living Quarters: An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Certificate of Occupancy. A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day 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 which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play 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.
- B. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and

institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

- C. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) 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.
- D. **Foster Family Home.** 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.
- E. **Foster Family Group Home.** 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 (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to 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.

Church, Temple, Place of Worship, or Religious Institution. A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Class A Road. A construction designation of the Michigan Department of Transportation meaning that the road was constructed as an all weather truck route appropriate for industrial and agricultural development. Class A Roads may carry legal loads after the first frost in the fall and have higher load limits than County primary and County local roads. (Ord. 04-04; 3/2/04)

Class C Liquor License Establishment. A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

Clinic. Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

Clustering. A development design technique in which uses are grouped or “clustered” in specific areas on a site (see also Cluster Housing).

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

Civic Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit. See also **Lodge**.

Cocktail Lounge or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- A. **Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- B. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Commercial Livestock Operations. The use of land for the growing and/or raising of livestock and processing of livestock products for income, including but not limited to beef cattle, hogs, poultry, and other farm animals.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Community Center. A building dedicated to social or recreational activities, serving the Township or a neighborhood and owned and operated by the Quincy Township, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Township.

Composting Center: Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting

center is a location where organic matters is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

A. **Convertible Area.** 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 provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

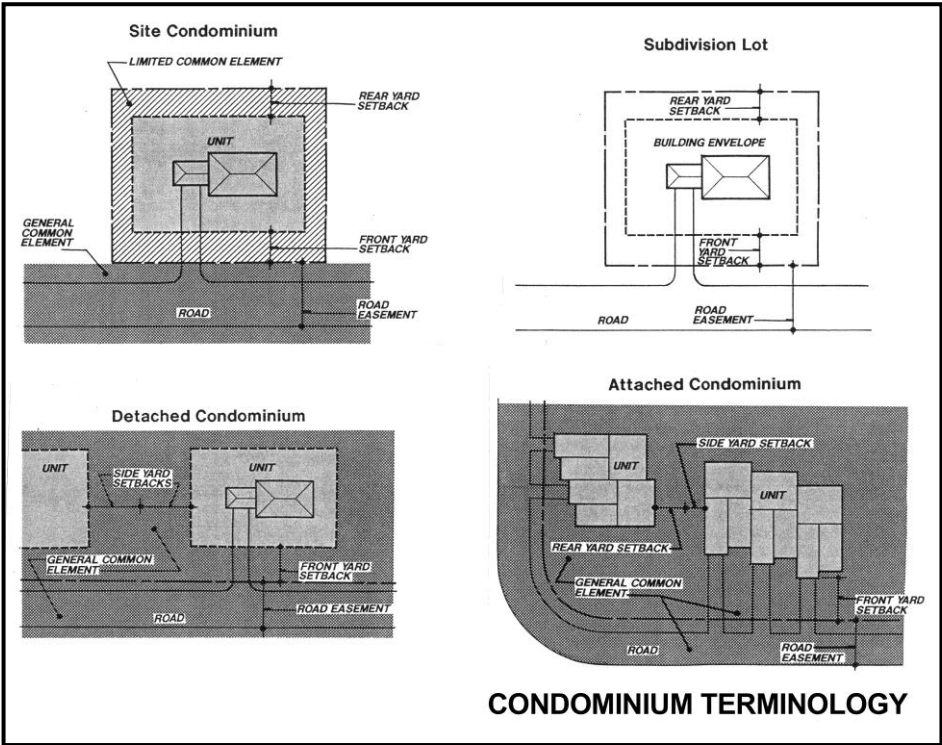
B. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.

C. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

D. **Site Condominium.** All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.

1. **Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

2. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.



3. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - a. **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
 - b. **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
 - c. **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
4. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
5. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The term “condominium unit” or “condominium unit site” shall be equivalent to the term “lot” for the purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio. (Amended 2004).
6. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Quincy Township Code of Ordinances and the Condominium Act.
7. **Condominium Conversion.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium.** 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.

Congregate Living Dwelling. A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

Congregate Living Unit. The individual area within a given congregate living dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

Corner Clearance Area. A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

Courtyard or Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.

Deceleration Lane. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin. A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

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

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

District. A portion of Quincy Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zone” or “zoning district.”

Drainage Ways and Streams. Existing permanent or intermittent watercourses.

Drive-In Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service

patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Driveways. A private lane, designed primarily for use by vehicles that connects a house, garage, or other buildings with the road.

Dumpster Enclosure. Any exterior space which secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. (Amended 2006).

- A. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
 - 1. **Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
 - 2. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
- B. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
- C. **Detached Dwelling.** A dwelling unit which is not attached to any other dwelling unit by any means.
- D. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - 1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
 - 2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
 - 3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- E. **Manufactured (Mobile) Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.

- F. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.
- G. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.
- H. **Site Built Dwelling.** 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 pre-cut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- I. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- J. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
- K. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.
- L. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families.

Easement. A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Estate Sale. The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

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

Exterior Architectural Feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Farm. The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

Farm Animals. Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, that are capable of being trained and adapting to living in a human environment.)

Farm Buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding of farm animals within a confined area. Farm animals include livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals. Feedlots are also known and sometimes referred to as Alivestock confinement areas.@

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

- A. **Agriculture fence.** A fence constructed for the purpose of enclosing farm animals and protecting farms and agricultural areas within the Agriculture (A) zoning district.
- B. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- C. **Industrial fence.** A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.
- D. **Living fence.** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- E. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- F. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.
- G. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).
- H. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.
 - 1. **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
 - 2. **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Township Board and Branch County Road Commission, where appropriate.

Filling. Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

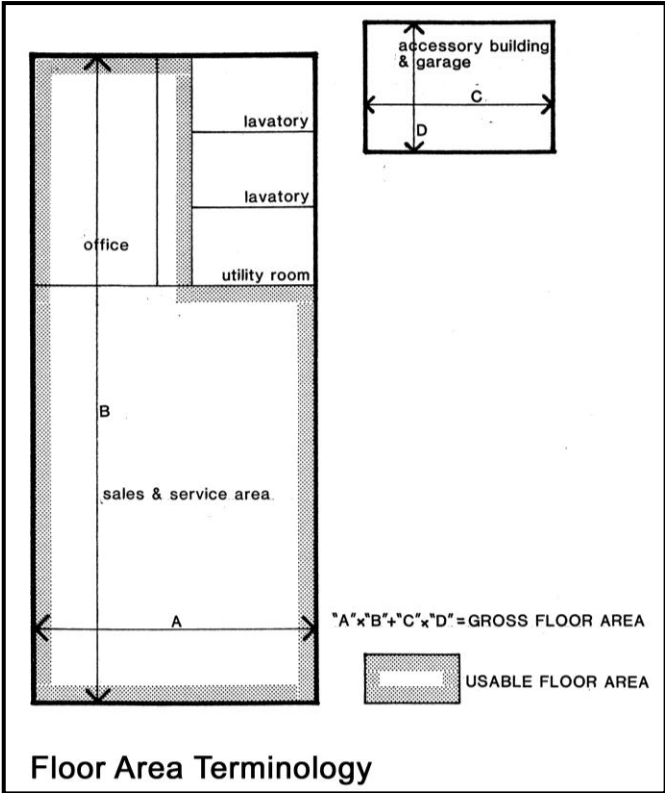
Floor Area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the floor area. Courtyards or

balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

A. **Floor Area, Gross (GFA).** 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 buildings. The “floor area” of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

B. **Floor Area Ratio (FAR).** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four-story, building covering one-half (1/2) of the lot. A FAR of 0.5 would allow floor space of one-half (1/2) the lot area, or a two-story building covering one-quarter (1/4) of the lot.

C. **Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.



Frontage. All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

Garage Sale. The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling. The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family. A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale.

Garage, Private. Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

Garden Center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. 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/dwelling.

- A. **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.
- B. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- C. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Hazardous Substance: Pursuant to Michigan Public Act 451 of 1994, as amended, a hazardous substance@ shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

- A. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- B. aHazardous substance@ as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. aHazardous waste@ as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.
- D. aPetroleum@ as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

Hedgerow. A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

Height, Building. (see **Building Height**)

Home Occupation: Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

- A. **Hobby.** An accessory use carried on by the occupant of the premises in a shop, studio or other workroom, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- B. **Home Office:** An accessory use within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation is undertaken, including, but not limited to: receiving or initiating correspondence, such as telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and telephone, mail order, and off-premise sales.

Hospital. An institution, licensed by the Michigan Department of Health, to provide in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, educational facilities, food services and staff offices.

- A. **Hospital, Long Term.** An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long-term hospitals include homes for alcoholic, narcotic, or psychiatric patients, and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

Hotel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

Junk Yard or Motor Vehicle Storage or Dismantling Yard. An open area where waste, used or secondhand material is 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 area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

kennel.

- A. Any building, lot or premises where four or more dogs or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; or
- B. Any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received.

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Landmark. A structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such structures or property should be preserved and restored to their historical character and should be protected from modifications which detract from their historical significance.

Lighting. The following definitions are related to lighting:

- A. **Awning.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. **Floodlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. **Footcandle.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- D. **Fully Shielded Fixture.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- E. **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- F. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
- G. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties
- H. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of property in which it is located
- I. **Luminaire.** The complete lighting system including the lamp and light fixture.
- J. **Luminaire Cut-Off Angle.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- K. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- L. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

Livestock. Horses, cattle, sheep. Goats, chickens and other domestic animals normally kept or raised on a farm.

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 or unloading merchandise or materials.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.

- A. **Corner Lot.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.
- B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- C. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. **Zoning Lot.** An area of land that, at the time of filing for site plan review or a permit, is designated to be used, developed or built upon as a unit. A zoning lot may include one or more lots of record, and shall satisfy the dimensional requirements of this Ordinance. Multiple adjacent lots under common ownership shall be deemed a single zoning lot if they are occupied by or designated for occupation by a single primary use or integrated primary uses and are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.
- E. **Lot Area.**
 - 1. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
 - 2. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Coverage. A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

- A. **Front Lot Line.** The line separating a lot from a street right-of-way (in the case of a private street that does not have a dedicated right-of-way, this line shall be parallel to and thirty feet (30') back from the centerline of the pavement). Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the street.

- B. **Rear Lot Line.** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.
- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land, the dimensions and legal description of which are on file with the Branch County Register of Deeds and Township Treasurer, or any parcel which has been created in accordance with the provisions of state laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for Quincy Township or the Branch County Register of Deeds.

Lot Split and Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Branch County Register of Deeds and the Township Treasurer.

Lot, Waterfront. A lot adjoining a body of water, such as a lake, river, or canal.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

Major Street. An arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major street in the Quincy Township Master Plan.

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

Manufactured Home, HUD-Code. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

Manufactured Home Site. An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

A. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Quincy Township, as well as the general location for all physical development of the Quincy Township, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Township Board.

Mechanical Amusement Arcade. Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

Mechanical Amusement Device. A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Microbrewery. A brewer licensed by the State of Michigan which produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home" or "manufactured home."

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconformities:

A. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

- B. **Class A Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.
- C. **Class B Nonconforming Status.** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this Ordinance.
- D. **Illegal Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.
- E. **Illegal Use Of Land.** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Township laws, ordinances, regulations and codes.
- F. **Nonconforming Lot of Record.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- G. **Nonconforming Sign.** See **Signs**.
- H. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- I. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.
- J. **Nonconforming Use Of Land.** A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance Factors. 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 an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursery. 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. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

Obscuring Screen. A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The number of individuals normally permitted to occupy a building or part thereof, as determined by the Building Inspector.

Occupied. Includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset. The distance between the center lines of driveways or streets across the street from one another.

Off-Street Parking Lot. A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

Ordinary High Water: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building, excluding garages sales that are otherwise regulated in this Ordinance.

Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard). Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed

forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

Outlot. A parcel of land designated on a site plan for future development.

Package Liquor Store. A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

A. **Public Park.** Any park within the jurisdiction and control of a government agency.

Parking Area, Public. An open area other than a street, alley or place used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement Or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Quincy Township.

Pawn Shop. A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

Perc Test or Percolation Test: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or the use of a septic system.

Permit. Authorization given by the Quincy Township in conformity with this Ordinance. The term “permit” shall include but not be limited to zoning permits.

Pier: A structure extending outward from the shore line for use as a promenade or to secure and provide access to boats. (Also see Wharf.)

Pile, Spring, or Mooring: A column of timber steel or concrete driven into the ground below the water to tie off or otherwise moor a boat.

Planned Development. A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

Planning Commission. The Quincy Township Planning Commission created by Ordinance, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Public Act 184 of 1943, as amended.

Planting Season. The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

Plat. A map of a subdivision of land.

Plat, Subdivision. The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.

Pond. An excavation or the altering of a water course by damming or excavation or combination thereof, for the purpose of creating a body of water greater than one thousand (1,000) square feet in area and two (2) feet or more in depth, for the use as an irrigation source, for livestock watering, for fish or aquatic life production, or for scenic purposes.

Porch, Enclosed. A completely enclosed (with materials other than mesh screening) and roofed space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas.

Porch, Open. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a building or structure and a transition zone between indoor and outdoor areas.

Poultry: Any of various breeds of birds long ago domesticated by man as so to live and breed in a tame, docile, tractable condition useful to humans for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys and similar birds not including game fowl.

Premises. A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

Primary Use. See Use, Primary

Principal Use. See Use, Principal

Private Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Public And Semi-Public Institutional Buildings, Structures, And Uses. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

Public Services. Such uses and services that provide a service to the general public, such as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses.

Public or Private Utility. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

Radioactive Materials. Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

Recreation Establishment, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

Recreational Vehicle. : "Recreation Vehicles" shall include the following:

- A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.
- B. **Camper Trailer (pop-up):** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- C. **Pick-Up Camper:** A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- D. **Boat:** A watercraft (including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:
 - greater than 12 feet in length,
 - having a motor or engine of more than five (5) horsepower,
 - used for rental or other commercial purposes, or
 - registered or required to be registered with the Michigan Department of State.
- E. **Boat/Personal Watercraft:** A vessel that meets all of the following requirements:
 - uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion,
 - is designed without an open load carrying area that would retain water, and
 - is designed to be operated by one (1) or more persons positioned on, rather than within, the confines of the hull.
 - registered or required to be registered with the Michigan Department of State.

- F. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted on a chassis with wheels and capable of being moved place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

Other Recreational Equipment: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

Repair And Maintenance, Ordinary. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

- A. Suitable seating for customers and/or a service counter for carry-out orders.
- B. Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.
- C. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

Restaurant, Carry-Out. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
- B. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

- A. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
- B. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall

include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

Retaining Wall. A permanent, solid barrier of brick, stone or similar material approved by the Quincy Township, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

Right-Of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Road. 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:

- A. **Private Road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Branch County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads are permitted in Quincy Township.
- B. **Public Road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Branch County Road Commission, State of Michigan or the federal government.
- C. **Collector Road:** A road whose principal function is to carry traffic between minor, local and subcollector roads and arterial roads but may also provide direct access to abutting properties.
- D. **Cul-De-Sac:** A road that terminates in a vehicular turnaround.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and 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, 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.

Rural Cluster Zoning. A technique that is intended to preserve the Rural Open Space Environment by grouping dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of

supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning." (See also: "Rural Open Space Environment.")

Rural Open Space Environment. A type of development that preserves characteristics of the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands. (See also: "Rural Cluster Zoning.")

School, Nonpublic. A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public. A public school is a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

Second Hand Dealers. Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

Self-Storage Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

- A. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- B. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- D. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

- E. **Senior Apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Separate Ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Service Drive. An alley or other paved vehicular access that generally parallels the public right-of-way and provides shared access to multiple lots.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or street rights-of-way.

- A. **Parking Lot Setback.** The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.

- B. **Required Setback.** The minimum horizontal distance between a front, rear, or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

Signs. Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure, supports, braces, guys and anchors.

Site Plan. A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Code of Ordinances.

Soil. The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

Special Land Use Permit. An authorization by the Township Board or Planning Commission specified herein to use a parcel of land and/or structure for a special land use.

Stable, Commercial. A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

Stable, Private. Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended

(MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

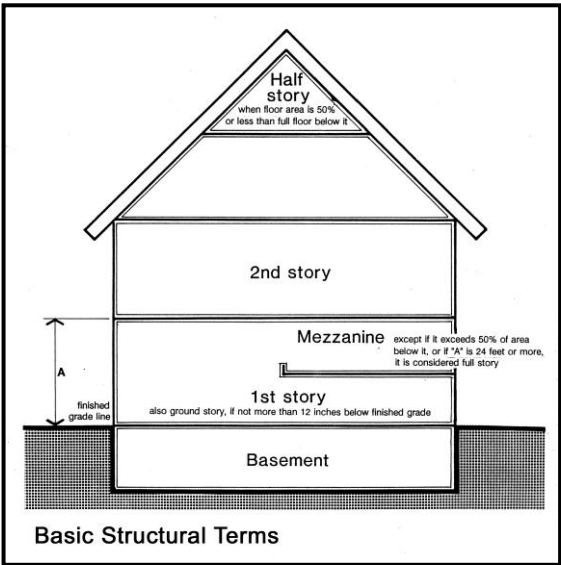
Steep Slopes. Slopes with a grade of twelve percent (12%) or more.

Store. A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

- A. **Home Improvement or Hardware Store** A retail facility the primary focus of which is to offer a variety of merchandise for home improvement, including but not limited to building materials and supplies, appliances, plants, gardening supplies and home furnishings.
- B. **Hypermarket.** A retail store with more than forty-thousand (40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.).
- C. **Supermarket.** A retail store with ten thousand to forty thousand (10,000 – 40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

- A. **Basement.** A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.
- B. **First Story.** The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.



- C. **Half-story.** that part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half

(½) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.

- D. **Mezzanine.** A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- E. **Top Story Attic.** A half story when the main line of the eaves is not above the middle of the interior height of said story.

Street Right-of-Way Line. The dividing line between the street and a lot.

Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Subdivision. A subdivision as defined in the Quincy Township Code of Ordinances.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not , however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

Tavern (Pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Temporary Building. A structure permitted to exist during periods of construction or for special events.

Tent. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children’s recreational purposes.

Truck Storage. An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Unit. See **Condominium Unit.** (Amended 2004).

Use. The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied maintained, let or leased.

- A. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.
- B. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
 - 1. **Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
 - 2. **Special Land Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- C. **Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.
- D. **Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.
- E. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

Usable Open Space. Open space is Usable if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands. Swamps or marshes would not generally be considered usable open space, except for those which are allowable within Section 19.00 (Planned Unit Development).

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Veterinary Clinic Or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Wading Pool. For the purposes of this Ordinance a wading pool shall be any receptacle utilized for holding water which has a water depth not exceeding two (2) feet.

Walls.

- A. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- B. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- A. At least periodically, the land supports predominantly hydrophytes.
- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended, that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

Wine Shop (Specialty). A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest

rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.

- D. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. **Backhaul Network.** The lines that connect a provider’s towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
- J. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building.
- B. **Rear Yard.** An open space extending across 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 primary building.
- C. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements..
- D. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.

