

***FREDONIA TOWNSHIP***

***ZONING ORDINANCE***

**MOST RECENT AMENDMENTS**

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**FREDONIA TOWNSHIP ZONING ORDINANCE**

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ARTICLE I

TITLE, PURPOSES, AND LEGAL CLAUSES

SECTION 1.01 Title

This Ordinance shall be known and may be cited as:

"The Zoning Ordinance of Fredonia Township"

SECTION 1.02 Repeal of Ordinance

The Zoning Ordinance of Fredonia Township was adopted in 1973 and has since been amended. The prior zoning ordinance adopted in July of 1966 and as amended, was repealed effective with the adoption of the new ordinance in 1973.

SECTION 1.03 Purposes

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.

- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structure throughout the Township.
- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties or the violation of this Ordinance.

SECTION 1.04 Validity and Severalty Clause

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not effect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

SECTION 1.05 Conflict With Other Laws

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or imposes a higher standard or requirement, that such easement, covenant or other private agreement, the provision of this Ordinance shall govern.



SECTION 1.06 Period of Effectiveness

This Ordinance shall remain in full force and affect henceforth unless repealed.

SECTION 1.07 Effective Date

This Ordinance was adopted by the Township Board of the Township of Fredonia, Calhoun County, Michigan at a meeting held on the 20th day of September, 1973. The action of adoption of this ordinance and subsequent amendments has been created pursuant to the requirements of the Michigan Zoning Enabling Act, being P.A. 110 of 2006, as amended.

Ruth Albaugh  
Fredonia Township Clerk

ARTICLE II

ADMINISTRATION AND ENFORCEMENT

SECTION 2.01 Administration

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with Public Act 33 of 2008, the Michigan Planning Enabling Act, and Public Act 110 of 2006, the Michigan Zoning Enabling Act.

The Township Board shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance the Zoning Administrator shall have the powers of a police officer. The Township Board may appoint such assistants to the Zoning Administrator as may be necessary to aid the Zoning Administrator in the performance of his duties hereunder. The Township Board may also hire consultants to assist the Administrator in carrying out certain duties as prescribed below.

In the absence of the Zoning Administrator, the Township Board shall designate an interim Zoning Administrator, who shall assume all the powers and duties of the Zoning Administrator.

SECTION 2.02 Duties of the Zoning Administrator

The Zoning Administrator shall:

- A. Review all applications for Building Permits and/or Use and Occupancy Permits and approve or disapprove such application based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and approve issuance of the permit if the use and the requirements of this Ordinance and other laws are fulfilled, provided however, that such application shall also be subject to the approval of the Building Inspector as hereinafter set forth.
- B. Receive all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant in writing of any decision of the Planning Commission.
- C. Receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable and otherwise process applications to the Zoning Board of Appeals for determination.

- D. Receive all applications for amendments to this Ordinance: conduct field inspections, survey and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and other process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- E. Coordinate the updating of changes to the official zoning map of Fredonia Township.
- F. Prepare and submit to the Township Board and Planning Commission a written record of all building permits issued during each month. The record shall state the owner's name, location of property intended use and estimated cost of construction for each permit. The Zoning Administrator shall maintain and post monthly a list in the Township Hall of all building permits issued.
- G. Maintain written records of all actions taken by the Zoning Administrator.
- H. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Township Board or Zoning Board of Appeals as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission and Zoning Board of Appeals.

#### SECTION 2.03 Duties of the Building Inspector

The Building Inspector referred to in this Ordinance is and shall be the Building Inspector appointed by the Township Board pursuant to the provisions of Act 230 of Public Acts of 1972, as amended, named the "State Construction Code" and the Building Inspector shall have and perform duties as therein set forth.

#### SECTION 2.04 Building Permits

A building permit is required for and shall be obtained from the Building Inspector prior to the construction, enlargement, alteration, conversion or moving of any building or structure or any part thereof, except for those buildings and structures exempted by Act 230 of the Public Act of 1972, the State Construction Code.

#### SECTION 2.05 Application for a Building Permit

Application for a building permit and/or occupancy permit shall be made in writing upon a form furnished by the Township Clerk and then by the building Inspector. The application shall state the name and address of the owner of the building or the owner of the land upon which it is to be erected, enlarge altered or moved. There shall be submitted with all applications for building permits and/or occupancy permits one copy of a site layout or plot plan showing:

- A. The address, shape, area and legal description.
- B. The location of the proposed construction upon the lot, lots or acreage affected.
- C. The dimensions, height and bulk of structures.
- D. The nature of the proposed construction, alteration, or repair and the intended use.
- E. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other uses.
- F. The present use of any structure affected by the construction or alteration.
- G. The lot area, setback dimensions, yard and open space areas or landscaping plans as needed.
- H. The proposed design and construction standards of parking spaces, if applicable.
- I. The number of loading and unloading spaces provided, if applicable.
- J. Any information deemed necessary by the Building Inspector to determine compliance with and provide for the enforcement of this Ordinance.
- K. Certified permit from the County Health Department stating that the proposed on-site water and sewer system is in conformance with the County Sanitary Code.
- L. A conditional use permit issued by the Township Board, if required by this Ordinance.
- M. All other licenses and permits required by law for the construction and enlargement, alteration, conversion or moving of the building or structure for which a building permit is being applied under this Ordinance.
- N. A certified permit from the Calhoun County Road Commission showing conformance with road cut and/or culvert requirements. This applies only to needed road cut rather than an existing cut.

Any building permit granted under this section shall be null and void unless the development proposed shall have its first inspection within one hundred eighty (180) days from the date of the granting of the permit and otherwise the life of the building permit shall be covered by the provisions of the "State Construction Code" being Act 230 of the Public Act of 1972, as amended. The Building Inspector shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

SECTION 2.06 Occupancy Permit

No lot, building or structure for which a building, conditional use or other permit was or should have been obtained under this Ordinance or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Building Inspector. The Building Inspector shall inspect the lot and building and structure which is the subject of an application for a Building Permit at the time of the staking out of the building foundation at the completion of the work authorized by the permit and at such other times as are required by the State Construction Code (Act 230) and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Building Permit, the Conditional Use Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration, conversion or moving of the building or structure. It shall be the duty of the holder of every Building Permit and every Conditional Use Permit to notify the Building Inspector of when the lot, building or structure is ready for inspection. Following each inspection, the Building Inspector shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this Zoning Ordinance at the time of inspection. Should the Building Inspector determine that the use, building or structure is not in compliance with the application of this Ordinance further construction or use of the lot, building or structure or any part thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Building Inspector following notice of and request for re-inspection and re-inspection duly made by the Building Inspector. Should a permit holder fail to comply with the requirements of the Building Inspector of this Ordinance at any inspection stage, the Building Inspector shall report in writing such failure to the Township Clerk and revoke all Building, Conditional Use or Occupancy permits issued. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this Ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed. Following the final inspection of the lot, building or structure and the finding of the Building Inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this Ordinance, the Building Inspector shall issue an Occupancy Permit therefore.

SECTION 2.07 Fees, Charges and Expenses

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for Building or Occupancy or Conditional Use Permits, appeals, variances and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Office of the Zoning Administrator and may be altered or amended by the Township Board only. No permit, certificate, conditional use approval or variance shall be issued until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of

Appeals, until preliminary charges and fees have been paid in full.

SECTION 2.08 Violations - nuisances per se

Any building or structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained or changed in violation of any provision of this ordinance are hereby declared to be a nuisance per se.

SECTION 2.09 - Penalties

A person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided in Section 8 of the township's Municipal Civil Infraction Ordinance (Ordinance 2009-1, as amended). In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or magistrate may issue a writ or order under Section 8302 of the Act, being MCLA 600.8302.

SECTION 2.10 Enforcement of Zoning by Township Board

In addition to all other remedies provided herein, the Township Board in the event they determine a structure, including tents and mobile homes, which are erected constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed or abandoned in violation of any provisions of this Ordinance, may following the expiration of thirty (30) days after notice of intent to proceed under this section is given to the owner of record or said land or premises at the last address shown on the records of said Township, undertaken to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as Township taxes in accordance with the law in such case made and provided.

SECTION 2.11 - Compliance Bond

In authorizing any variance, the erection of any sign, the issuance of any permit, the Township Board or the Township Board of Appeals, as the case may be, may require that a bond be furnished in favor of the Township to insure compliance with the requirements, specifications, condition, regulations and provision of the variance or permit as the case may be.

## ARTICLE III

### ZONING BOARD OF APPEALS

#### SECTION 3.01 Board of Appeals Established

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided for under P.A. 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.

#### SECTION 3.02 Membership, Terms of Office

1. The Board of Appeals shall consist of three members. The first member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Board of Appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the Township Board. An elected officer of the township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the township board may not serve as a member or an employee of the Zoning Board of Appeals. The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
2. Terms shall be for 3 years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Township Board is authorized to appoint up to two (2) alternate members to the Zoning Board of Appeals, as warranted.
3. A Township Board of Appeals shall not conduct business unless a majority of the regular members of the board are present.

SECTION 3.03 Rules of Procedure, Majority Vote

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 3.04 Meetings

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The Grounds of every determination shall be stated in writing with reference to such determination for which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board. Other knowledgeable persons may also be utilized in an advisory capacity.

SECTION 3.05 Powers and Duties

The Board of Appeals shall have powers to interpret the provisions of this Ordinance, to grant variances from the strict application of any provisions of this Ordinance. An interpretation of the Zoning Ordinance (text or map) may be requested by the Zoning Administrator, Planning Commission or Township Board.

SECTION 3.06 Variance

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.



3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. That no non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- D. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under SECTION 2.09 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of the Ordinance in said district.

SECTION 3.07 Voiding of and Reapplication for Variance

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  1. The construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 3.08 Procedure for Appealing to the Board of Appeals

The following provisions shall apply:

- A. Appeals, How Taken - Appeals from the ruling of the Township Zoning Administrator may be made to the Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Building Inspector, a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Building Inspector submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. WHO MAY APPEAL - Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County or State.
- C. FEE FOR APPEAL - A fee prescribed by the Township Board shall be submitted to the Building Inspector at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. EFFECT OF APPEAL - Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. HEARING BY THE BOARD OF APPEALS; Request: Hearing - When a request for appeals has been filed in proper form with the Board of Appeals, the Secretary, or Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice stating the time, place and object of the hearing to be served personally or by register return receipt mail at least fifteen (15) days prior to the date of such hearing, upon the party or parties making the request for appeal. Due notice of the scheduled meeting shall be given to all persons who reside in or own property within three hundred feet (300) or adjoining property owners if none are within three hundred (300) feet of the premises in question; such notice shall be delivered personally or by mail to the respective owners and/or occupants at the address in the last assessment role.
- F. REPRESENTATION AT HEARING - Upon the hearing, any party or parties may appear in person or by agent or by attorney.

- G. **DECISION OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT** - The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that and shall have all the powers of the Zoning Administrator from who the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE IV

AMENDMENT PROCEDURE

SECTION 4.01 Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee in accordance with requirements specified in SECTION 2.07. No part of which shall be returnable to the petitioner.

SECTION 4.02 Amendment Procedure

- A. The procedure for making amendments to this Ordinance shall be as follows:
1. The Planning Commission shall initiate proposed changes in language based upon the need to enhance the ordinance in terms of its interpretation, applicability to other legislation, and the administration and enforcement of its regulation. Recommendations for changes to the text may be received from the Township Board, the Zoning Administrator, the Zoning Board of Appeals, or by petition from one or more property owners within the Township.
  2. The Planning Commission shall conduct at least one public hearing, with notice of the time, place, and purpose for the hearing, in compliance with the requirements of the Michigan Zoning Enabling Act, as amended.
  3. Following completion of the public hearing, the Planning Commission shall take action to recommend approval or denial of the proposed amendment to the text of the Zoning Ordinance. It shall then be forwarded to the Calhoun County Metropolitan Planning Commission for their action, and then submitted to the Township Board for final approval or denial.
  4. The adopted text amendment shall then be published in a newspaper of general circulation, either in its entirety or with a synopsis of its intent. For a map change, the Official Zoning Map of Fredonia Township will be amended to reflect this change in zoning district.

ARTICLE V

GENERAL PROVISION

SECTION 5.01 Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be part of this Ordinance:

AB – AGRICULTURAL BUSINESS DISTRICT

AA - AGRICULTURAL DISTRICT

RA - LOW DENSITY RESIDENTIAL DISTRICT

RB - MEDIUM DENSITY RESIDENTIAL DISTRICT

MHP – MANUFACTURED/MOBILE HOME PARK DISTRICT

MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

OB - OFFICE/BUSINESS DISTRICT

HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

LI - LIGHT INDUSTRIAL DISTRICT

OS - OPEN SPACE WATERBODY CONSERVATION DISTRICT

SECTION 5.02 Provision for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled:

"ZONING DISTRICT MAP OF FREDONIA TOWNSHIP"

adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds therein.

SECTION 5.03 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and pursuant to P.A. 110 of 2006,

a change is made in a zoning district boundary such change shall be made by the Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. The Zoning Board of Appeals may authorize that dimensions be indicated on the Official Zoning Map when they have been required to make an official interpretation.

SECTION 5.04 Authority of Official Zoning Map

Regardless of the existence of purported copies of the Official Zoning map which may from time to time be made or published, the Official Zoning Map which shall be located in the Township Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 5.05 Replacement of Official Zoning Map

In the event that the Official Zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Fredonia Township", adopted on the \_\_\_\_\_ which replaces and supersedes the Official Zoning Map which was adopted on \_\_\_\_\_.

SECTION 5.06 Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- a. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- b. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- c. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.

- d. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- e. A boundary indicated as following the centerline of a stream, river canal, lake or other body of water shall be construed as following such centerline.
- f. A boundary indicated as parallel or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- g. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 5.07 Application of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships due to the interpretation or regulation of this ordinance, the Zoning Board of Appeals shall have the power to interpret the provisions or grant variance from dimensional requirements as specified in the zoning ordinance.

ARTICLE VI

SUPPLEMENTAL REGULATIONS

SECTION 6.01 Purpose

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

SECTION 6.02 Accessory Building

- A. Where an accessory building is attached to the side or front of a principal building for purposes of determining required yard dimensions. If such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions. In either instance, the square footage of the attached accessory building shall be included in the calculation of accessory building lot coverage.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line. No accessory building shall be located closer than ten (10) feet to any other principal or accessory building.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building is a garage it shall be located no nearer than ten (10) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback, with corner lots requiring front yard setback for both yards facing the street.
- E. The total floor area for all accessory buildings combined with the principal building shall not exceed the lot coverage standard for the district in which the buildings are located. The maximum size of any one (1) accessory building shall not exceed 1,500 square feet.

SECTION 6.03 Lot Building Relationship

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a Residential District. No detached accessory building may be constructed until such time as the principal building has received an occupancy permit.



SECTION 6.04 Accessory Building as Dwelling

No detached accessory building shall be used for dwelling purposes. The area above an attached accessory building may be utilized for dwelling purposes so long as access to such floor area can be established from the principal residence.

SECTION 6.05

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 6.06 Required Water Supply and Sanitary Sewerage Facilities

Requirements for water supply systems and sanitary sewerage facilities shall be established by the Calhoun County Health Department. The following site development and use requirements shall apply.

- A. No structure for human occupancy or use shall hereafter be erected, altered or moved unless it shall be provided with a safe, sanitary and potable waste supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field for a septic tank system shall be located nearer than one hundred fifty (150) feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four (4) feet above the normal high water table level.

SECTION 6.07 Greenbelt Buffer

Prior to the commencement of construction of any structure or building in an Office, Commercial or Industrial District where such property abuts, adjoins or is adjacent to a residential zone or an existing residential use, a greenbelt buffer shall be established. However, where permitted elsewhere in this ordinance, an opaque wall or fence may be built in lieu of a greenbelt, subject to site plan review. A greenbelt shall have a minimum width of fifty (50) feet and shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, with (but not limited to) any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

SECTION 6.08 Access to a Street

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. A single lot with the required frontage on a public road (or on an approved private road) shall be served by a single driveway. Where the building line extends more than two hundred feet (200) from the public road or where access is provided to two adjoining lots meeting the required

lot width standard, they shall be served by a private driveway, and such private driveway shall be no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods.

A Private road, having a right-of-way of no less than sixty-six (66) feet in width, shall be established where three (3) or more residential lots or units or two (2) or more commercial or industrial lots are accessed. Such private road shall adhere to the standards of the Calhoun County Road Commission standards for the construction of a paved road. No private roads may dead-end without the creation of a cul-de-sac, with such meeting the Calhoun County Road Commission standards for a cul-de-sac (turnaround).

#### SECTION 6.09 Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. This provision shall apply in all residential, commercial and industrial zoning districts.

#### SECTION 6.10 Street Closures

Whenever any street, alley or other public way is vacated by official action the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

#### SECTION 6.11 Height Regulations

The height requirements established by this Ordinance shall be uniform in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, silos, parapets; and other necessary mechanical appurtenances; and subject to a maximum exempt height of fifty feet (50): radio and television broadcasting antennae, wind energy systems and similar personal or commercial applications not specifically listed; provided their height and location shall conform where applicable to other requirements in this ordinance or of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

#### SECTION 6.12 Fences, Walls and Screens

No opaque fencing, walls or screens may be erected within the front yard between the building line and the road right-of-way. Chain-link or other non-opaque fencing (such as split rail), shall not exceed five (5) feet in height, and may be utilized in the front yard only within the AB-Agricultural Business or AA-Agricultural Districts. Decorative fencing of a height of three (3) feet

or less may be utilized within the front yard of any district.

Along the side lot line, beginning with the building line, no fence may exceed six (6) feet in height within any agricultural or residential district, or eight (8) feet in height within any commercial or industrial district, with these latter districts subject to the provisions for site plan review.

Along the rear lot line, no fence may exceed eight (8) feet in height within agricultural or residential districts, or then (10) feet in height within any commercial or industrial district. (NOTE: It is strongly recommended that a boundary survey establish the location of fencing where proposed along property lines. The Township will not enter into any private party disputes with regards to the location of fencing).

#### SECTION 6.13 Shoreline Excavation, Dredging, and Soil Erosion

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the Inland Lakes and Streams act, Act 346 of the public acts of 1973 as amended, and in accordance with the requirements of the Michigan Department of Natural Resources. Soil erosion and sedimentation is regulated by local permits pursuant to the Soil Erosion and Sedimentation Control Act, Act 347 of 1972 as amended.

#### SECTION 6.14 Essential Services

For purposes of this Ordinance, the following provisions shall apply:

- A. The Township shall be notified of any above-ground or underground utilities to be placed in the road right-of-way or through private easement prior to installation. Such installation shall not result in the loss of these right-of-ways for utilities deemed to be essential. Conflict between public and private utility easements shall be resolved to the benefit of the public. The surface of land used for pipeline, cable or other right-of-ways shall be restored and maintained as near as possible to its original condition as prior to its construction.
- B. All essential services (as defined) shall meet the requirements for the district in which they are located.

#### SECTION 6.15 Swimming Pools

All swimming pools shall conform to the requirements of Public Act 230 of 1972, The State Construction Code Act., as amended.

#### SECTION 6.16 Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision area, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or

property on which such building or use is located.

#### SECTION 6.17 Site Plan Review

A site plan shall be submitted for any permitted use in the "MHP", "MF", "OB", "HS", or "LI" zoning districts. Site plans shall also be required for the construction of any churches or schools, or any similar permitted uses where parking exceeds ten (10) spaces. In addition, an application for a conditional use within any zoning district shall require the submission, review and approval of a site plan, or in some instances a sketch plan, before the conditional use permit is formally granted. Any application for development where three (3) or more lots or units are proposed, *unless part of a subdivision (plat) or a (site) condominium project not subject to planned unit development*, shall require the submission of a site plan, which shall form the basis for the review by other agencies at the county and state level, prior to final approval by the Township.

The Fredonia Township Planning Commission shall review and approve all site plans, utilizing input from the Zoning Administrator and/or any professional assistance necessary to undertake a complete review of the submission. The applicant shall submit a preliminary site plan, or possibly a sketch plan, with any application for a conditional use permit in any district. This preliminary site plan shall be reviewed by the Planning Commission as they review the request for conditional use. The Planning Commission shall then recommend approval without condition, approval subject to condition or denial of the use, with these recommendations forwarded to the Township Board with the preliminary site plan for their review and decision. Should the Township Board approve the conditional use, the applicant may then submit a formal site plan for final approval by the Planning Commission. This shall provide the Zoning Administrator and/or Building Inspector with the specific detail for approval of the necessary permits. The applicant is required to construct and develop the site in strict conformance with the approved site plan. Any requested deviation from this approved plan shall be submitted to the Zoning Administrator, with minor alterations approved administratively or substantial revisions requiring Planning Commission review and approval.

For permitted uses and approved conditional uses, eight (8) copies a full site plan shall be submitted which meet all of the following requirements:

1. The plan shall be to a scale of no less than one inch equals twenty feet (1" = 20') nor greater than one inch equals one hundred feet (1" = 100') and of sufficient accuracy in order to interpret the plan.
2. The plan shall show an appropriate legend, scale, north arrow, etc.
3. A small vicinity map (1" = 200') shall be included, showing the general location of the site within the Township (including north arrow and adjoining streets).
4. The plan shall identify the site by lot lines corresponding to the legal description for the property.

5. The plan shall identify the topography and proposed site drainage plan. Spot elevations may be sufficient to show how stormwater will be retained onsite. If stormwater is proposed for discharge offsite, the applicant must provide detail of the overall drainage plan and acceptance of the plan by any impacted properties. Soil types should also be identified in order to determine the potential for natural filtration.
6. The plan shall identify existing natural features and include a proposed landscape plan for the site. This shall include open space areas and any screening, fencing or other improvements associated with minimizing the impact of development on adjacent properties.
7. The plan shall show any existing man-made features both onsite as well as within one hundred feet (100') of the site boundary. These features may include buildings or other structures, utilities or easements.
8. The plan should identify the proposed building grade and elevation and indicate the dimensions of the building (including height) and distance from property lines.
9. The plan should identify both vehicular and pedestrian circulation, access points, drive lane widths, number of parking spaces and their size (including required handicapped), loading and unloading areas, sidewalks, etc.
10. The plan should provide suitable information on both the applicant and their consultant, including name, address, telephone number, etc. Should the applicant not be the owner of the property, the name of the owner should be indicated and the applicant should verify the owner's consent through an option, lease, sales agreement or signed affidavit.
11. Should the project be proposed in phases, a phasing plan should be submitted. This may include the required detail for the first phase under review and a concept plan for the remaining phases.
12. Should the site include common open space or concepts of planned unit development, the site plan shall indicate any restrictive covenants or deed restrictions inconsistent with the Township ordinance requirements.
13. The plan shall show the location of lighting, location for waste disposal, any outdoor storage or display areas or other site improvements.
14. The seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the plan.
15. Any other information the applicant believes is necessary to provide sufficient detail for the review and approval by the Planning Commission.

The applicant may submit a preliminary site plan with a conditional use application, or a sketch

plan where appropriate. Sketch plans are most suitable for conditional uses in the agricultural and residential zones. The applicant shall submit eight (8) copies of the sketch plan, which may be on 8 1/2" x 11" paper and to an appropriate scale (1" = 50'), in order to provide sufficient clarity. The following information is required for submission of a sketch plan:

1. Information on the applicant, including name, address, telephone number and intended use of the site.
2. The address and parcel number of the site, dimensions of the property and dimensions of any proposed buildings, including setback distances.
3. Relevant information concerning adjacent properties or adjoining roads. Points of access, location of easements and utilities, general parking areas and any natural or man-made features that define the site.
4. The applicant may also submit related documentation (boundary or mortgage survey, photographs, etc.) to assist and support the application.

The Zoning Administrator, Township Clerk or official assigned to process the application and plans shall notify the applicant of the time and date of the next Planning Commission meeting at which the application will be reviewed. The required fee shall be paid prior to scheduling the application and/or site plan for review. The Township may also request a review of the site plan by a professional engineering, planning, surveying or architectural firm, with that cost to be borne by the applicant as part of this fee.

The Planning Commission may approve submitted site plans or sketch plans lacking some of the required information. Should the applicant not meet the ordinance requirements and the Planning Commission not take action on the plan, the applicant may be required to reimburse any additional costs to the Township for such extended review. The Township may also require a compliance bond or withhold an occupancy permit until all improvements shown on the site plan have been met.

When the applicant receives site plan review approval, the development of the subject property must be in complete conformity with the approved plan. If a building permit has not been obtained and development begun within one (1) year of the date of approval, such approval shall become void and the applicant must submit a new application and proceed as if prior approval had not been granted.

In the process of reviewing the site plan, the Planning Commission shall consider the following:

- A. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic. The Planning Commission may require a traffic impact analysis for any use or development projected to generate more than fifty (50) vehicle trips per day.

- B. The location and design of internal drives and parking areas and the relationship of these to adjoining properties.
- C. The Planning Commission may require landscaping, fencing or other screening improvements in order to minimize the impact on adjoining properties and to enhance the appearance of the property.

ARTICLE VII

NONCONFORMING BUILDINGS AND USES

SECTION 7.01 Continuation of Nonconforming Building and Uses

Building and structures and uses of buildings and structures and uses of land which were lawful under the Fredonia Township Zoning Ordinance of 1973, as amended, may be continued, although such structure, building or use does not conform to the provisions and regulations of this Ordinance, subject to the limitations, conditions and the requirements set forth in the following sections of this Article 7.

SECTION 7.02 Structural Changes

The building structure or land or the use thereof shall not be structurally changed, altered, enlarged or increased or moved in whole or in part unless the building structure or land or use thereof in its entirety conforms to the provisions of this ordinance applicable to the district in which it is located.

SECTION 7.03 Extensions

A nonconforming use of a building or structure or land shall not be extended in any manner unless such use in its entirety complies with the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.04 Abandonment

Whenever a nonconforming use of land shall be abandoned for a period of more than ninety (90) consecutive days and whenever a nonconforming use of a building or structure be abandoned for six consecutive months, such use shall not thereafter be re-established or continued in any manner unless such use conforms to the provisions of this Ordinance applicable to the district in which it is located.

SECTION 7.05 Reversion of Nonconforming Use Building or Structure

If a nonconforming building or structure, a nonconforming use of a building or structure or land is changed or altered in any manner so as to bring it into compliance with the provisions of this Ordinance applicable to the district in which it is located, such building or structure, use of building or structure, or use of land shall not thereafter be changed back to a nonconforming use, building or structure.



SECTION 7.06 Improvements

Nothing in this Ordinance shall prohibit the improvement or modernizing of a lawful nonconforming building or structure, provided that such improvement or modernizing does not increase the height, area, bulk or use of such building or structure.

SECTION 7.07 Repairs

Any lawful nonconforming building or structure may be repaired during its normal useful life to correct deterioration, obsolescence, depreciation and normal wear and tear, provided that such repair does not exceed an aggregate cost of thirty per cent (30%) of the assessed value of the building or structure.

SECTION 7.08 Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, flood or other act of God, may be restored or rebuilt provided that such restoration or rebuilding meets applicable building codes, is commenced within ninety (90) days after the date the damage occurs. Such restoration must be completed within one (1) year after the date the damage occurs, and cannot add to the nonconformity of the structure.

SECTION 7.09 Prior Construction Approval

When on the effective date of this Ordinance or any amendment thereto, a building permit has been issued for the construction or erection of a nonconforming building or structure, such building or structure may be completed in accordance with the building permit and shall thereafter become a conforming building or structure. Such construction shall be commenced within ninety (90) days after the issuance of the building permit and that construction is carried on diligently and in accordance with the building permit and completed within two (2) years after the issuance of the building permit.

SECTION 7.10 District Changes

Whenever the boundaries of a district shall be changed by amendment to this Ordinance so as to transfer land from one district to another of a different classification or having different regulations, a lawful building and structure and lawful uses of buildings, structures, and lands existing on the effective date of such amendment shall become nonconforming buildings or structures or uses of buildings or structures or uses of land as a result of the boundary change.

SECTION 7.11 Elimination of Illegal Buildings, Structures and Uses

In accordance with Act 272 of the Public Acts of Michigan of 1947, as amended, the Township Board may acquire by condemnation or other means, properties on which illegal

buildings or structures or uses are located and may remove such uses, buildings or structures or may be used by the Township for a public use. The cost and expenses of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

ARTICLE VIII

SIGN REGULATIONS

SECTION 8.01 General Sign Regulations

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal or devise so as to interfere with, mislead, or confuse traffic. Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area. When determined necessary upon recommendation from the Planning Commission, the Township Board shall require the applicant to post a bond for compliance with the Township Clerk: the amount of said bond to be determined by the Township Board to insure that all provisions of this Ordinance are complied with.

SECTION 8.02 Permitted Signs in "AB", "AA" and "OC" District

In the "AB" Agricultural Business, "AA" - Agricultural and "OC" - Open Space and Waterbody Conservation District, only one (1) sign on each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half the required front yard depth.
- B. Non-illuminated trespassing, safety directional, caution or announcement sign each not exceeding two (2) square feet in area. More than one sign shall be permitted in these districts provided that said signs shall be placed no closer than fifty (50) feet between signs.
- C. In the "AB" District, a non-illuminated sign announcing a home occupation or an agri-business provided that such a sign shall not exceed two (2) square feet in area; and shall be attached flat against a building wall.
- D. A sign or bulletin board identifying a church, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

SECTION 8.03 Permitted Signs in Residential Districts

In any residential district only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (1/2) of the required front yard depth.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- C. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
- D. One sign identifying a multiple family building, subdivision or development, not having commercial connotations, not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- E. A sign or bulletin board identifying a church, school, or other authorized use not to exceed twelve (12) square feet and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

SECTION 8.04 Permitted Signs in the Office/Business, Commercial and Industrial Districts.

A sign in any Office/Business, Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. Signs shall conform to the building set-back and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, which ever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which is affixed.
- B. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, not be closer to the front, side or rear property line than one-third (1/3) the distance of the required building set back. The maximum height shall be limited to one-half (1/2) the area of the sign, with the maximum height established at one

hundred (100) feet.

- C. One free-standing identification sign may be erected in the OB - Office/Business District, providing such sign shall not exceed twelve (12) square feet, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback line.
- D. All signs may be illuminated internally or by reflected light, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. Message center signs, utilizing LED (light emitting diode) electronic messages, shall be permitted provided such illumination does not exceed .5 footcandles at any adjoining property line, except the road right-of-way. The message shall not change more than once within any 3 second period and no scrolling messages or graphics are permitted. No other illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

#### SECTION 8.05 Outdoor Advertising Signs/Billboards

Outdoor advertising signs or billboards shall only be located along an Interstate or State Primary Highway shall be regulated by the provisions specified in Act 106, Public Acts of 1972 (The Highway Advertising Act) as amended by Public Act 153 of 1990, which provides general law and charter townships the authority to regulate such signs and billboards.

For purposes of definition, a billboard is defined as any outdoor advertising of a business, product or service that is not located on the same parcel as the business, product or service. Such off-premise advertising shall be limited to areas of the Township zoned HS-Highway Service Commercial or LI-Light Industrial. Further, outdoor advertising signs (billboards) are not allowed to front onto any County roads within the Township.

Billboards are prohibited from locating within two hundred (200) feet of any residence, church or school, with this setback increased to three hundred (300) feet where the billboard is illuminated. The minimum distance between billboards shall be one thousand (1000) feet and the maximum height of a billboard shall be limited to thirty (30) feet above the grade of the ground on which the billboard sits. The maximum surface display area shall be two hundred (200) square feet.

Double-faced (back-to-back) billboards shall be considered one billboard for determining separation distance and total sign area (200 square foot maximum area on each side). V-type structures or other configurations where the visible display area exceeds the maximum display area shall be considered two billboards and not be allowed based upon separation distance.

The applicant shall be required to obtain a building permit/sign permit and pay any required fees prior to construction. The applicant shall be required to maintain the sign and not allow the message, advertising or display to deteriorate to where a blight or nuisance situation is created. Where common signage (travel information for an individual exit) is provided and approved within the public right-of-way, this option shall be considered prior to making application for a billboard.

SECTION 8.06 Elimination of Nonconforming Signs

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming to the terms of this ordinance may be maintained and repaired, yet may not be replaced unless conforming to the terms of this ordinance.

ARTICLE IX

PARKING AND LOADING REQUIREMENTS

SECTION 9.01 General Off-Street Parking Requirements

- A. In all districts, except Agricultural, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off- street parking space for automobiles with the requirements as specified.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of the Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance and the distance requirements as specified in Section 9.01 (d).
- C. Plans and specifications showing required off-street parking spaces including the means of access and interior circulation, shall be submitted to the Building Inspector for review at the time of application for a building permit.
- D. Required off-street parking facilities shall be located on the same lot as the principle building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two-family dwellings. This distance specified shall be measured from the nearest point of the lot occupied by the building or use that such facility is required to serve.

SECTION 9.02 Off-Street Parking Requirements in the "AB" and "AA" Districts

- A. Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which have a dust-free surface resistant to erosion.
- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip not less than four (4) feet in height exists as a parking barrier along the property line.
- C. Parking spaces for all types of vehicles and equipment may be provided either in garages or parking areas entirely within the rear or side yard.
- D. Outdoor storage or overnight parking of a commercial vehicle over one (1) tone capacity shall be permitted if such vehicle is necessary to the function of the premises and provided that such vehicle (s) be parked entirely within a side or rear yard or enclosed within a structure.

SECTION 9.03 Off-Street Parking Requirements in Residential Districts.

- A. Parking of motor vehicles shall be limited to passenger vehicles, one (1) non-residential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourth (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas entirely within the rear of side yard.
- B. Off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip not less than four (4) feet in height exists as a parking barrier along the property line.
- C. Off-street parking area shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have dust free surface resistant to erosions.

SECTION 9.04 Off-Street Parking Requirements in the MF and OB Districts

- A. All private drives and parking areas shall be paved. Minimum paved width of such street shall be twenty two (22) feet. Paved area for each parking space shall not be less than nine (9) feet in width nor less than eighteen (18) feet in length.
- B. There shall be two (2) parking spaces provided for each dwelling unit and for other uses as specified in Section 9.06.d.
- C. No Cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of seventy five (75) feet shall be provided at the terminus of each cul-de-sac.
- D. No dwelling unit in a development shall be located farther than one hundred twenty five (125) feet from a street or private access drive.

SECTION 9.05 Design Requirements of Off-Street Parking Areas in Commercial and Industrial Districts.

- A. Each off-street parking space for automobile shall not be less than two hundred (200) square feet in area, exclusive of access drives and aisles and shall be of usable shape and condition. There shall be provided a minimum access drive of twenty (20) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:



1. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty two (22) feet in width.
  2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
  3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- B. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not less than ten (10) feet in width and sixty five (65) feet in length.
- C. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting not less than four (4) feet in height exists as a parking barrier along the property line.
  2. Off-street parking areas shall be paved or blacktopped and drained so as to prevent drainage onto abutting properties.
  3. Any lighting fixtures used to illuminate any off- street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.
  4. Any off-street parking area providing spaces for five (5) or more vehicles shall be effectively lighted and screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
  6. Combined parking facilities are allowed where two or more uses occur on one property or when a building(s) on one property contain two or more uses provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use,

except churches.

- D. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulation specified in ARTICLE 8.
- E. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.

SECTION 9.06 Off-Street Parking Space Requirements

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

- A. **FLOOR AREA:** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, Pent- house, housing ventilators and heating systems and similar uses.
- B. **PLACES OF ASSEMBLY:** In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type of added together.
- C. **FRACTIONS:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space. Any fraction shall require one (1) parking space.
- D. The minimum required off-street parking spaces shall be set forth as follows:

USE	PARKING SPACE REQUIREMENTS
Automobile or Machinery Sales and Service Garages	One (1) space for each two-hundred (200) square feet of showroom floor area plus six (6) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift and one (1) space for each used car display area.
Banks, Business and Professional Offices	Two (2) parking spaces for Professional Offices each 200 square feet of floor area plus one (1) parking space for each employee working within the building.
Barber Shops and Beauty Parlors	Two (2) spaces for each chair plus one (1) space for each employee.

Boarding and Lodging Houses	Two (2) parking spaces for Fraternities each (3) three beds.
Bowling Alleys	Five (5) spaces for each alley plus one (1) space for each employee per shift.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance halls, Assembly Halls other than Schools	One (1) space for each four (4) persons permitted in such edifice as stated by the fire marshal.
Clinics	Four (4) spaces for each doctor plus one (1) space for each employee per shift.
Convalescent Home, Orphanage or similar use	One (1) parking space for each Orphanage or similar use four (4) beds plus one (1) space for each two (2) employees, including nurses per shift and one (1) for staff doctor.
Drive-in Eating Establishments	Ten (10) parking spaces, plus Establishment one (1) parking space for each twenty (20) square feet of floor area.
Dwellings (Single Family and Two Family)	Two (2) parking spaces for each dwelling unit.
Dwellings (Multiple Family)	Two (2) parking spaces for each dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each number room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle.
Drive-in Banks, Cleaners, and Similar Uses	Storage space for five (5) cars between the sidewalk area and the service window and one (1) parking space for each two (2) employees and one (1) space for each 200 square feet.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Gasoline Filling and Service Stations	One (1) parking space for each repair and service stall, plus one (1) space for each employee per shift.

General Office Building	One (1) parking space for each 400 square feet of gross floor area excluding auto parking within or on the building, plus one (1) parking space for two (2) employees per shift.
Hospitals	One (1) parking space for each bed plus one (1) space for each two (2) employees and one (1) space for staff M.D.
Hotels, Motels, Lodging	One (1) space for each living Houses Tourist and Boarding unit plus one (1) space for Homes each two (2) employees per shift.
Libraries, Museums, Post Offices	One (1) parking space for each (800) square feet of floor area plus one (1) parking space for each two (2) employees per shift.
Livestock Auction	Two (2) square feet of parking area for each one (1) square foot of buildings, pens and all enclosed area on the premises of the auction facility.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each employee per shift plus two (2) spaces for each purchasing agent and ten (10) visitor spaces.
Restaurants, Beer Parlors, Taverns, Night Clubs and Private Clubs	One (1) parking space for each four (4) patron seats plus one (1) parking space for each two (2) employees per shift.
Retail Stores, Except as Otherwise specified herein	One (1) parking space for each 150 square feet of of floor area excluding auto parking space within or on the building.
Roadside Stands	Five (5) parking spaces for each twenty five (25) square feet of floor area.
Schools, Private or Public Elementary and Junior High Schools	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions	One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students in addition to requirements of the auditorium.

Self Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Supermarket, Self Service Food and Discount Stores	Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift.
Wholesale Establishments	One (1) space for each four and Warehouse hundred (400) square feet floor area plus one (1) space for each two (2) employees.

SECTION 9.07 Loading - Unloading Requirements

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- B. Each off-street loading - unloading space shall not be less than the following:
  - 1. In a Residential District, a loading - unloading space shall not be less than ten (10) feet in width and twenty five (25) feet in length and if a roofed space, not less than fourteen (14) feet in height.
  - 2. In any Commercial or Industrial District, a loading - unloading space shall not be less than ten (10) feet in width and sixty five (65) feet in length and if a roofed space, not less than fifteen (15) feet in height.
- C. Subject to the limitations of the next paragraph, a loading - unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D. Any loading - unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly with a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading - unloading facilities shall be the sum of the various uses computed separately.

- F. All off-street loading - unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained in accordance with County Drain Commission standards, lighted and shall have appropriate bumper and wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- H. Off-street loading - unloading requirements for residential (excluding single family dwellings), hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicle, the uses having over five thousand (5000) square feet of gross floor area shall be provided with at least one (1) off-street loading - unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading - unloading space, the size of such loading - unloading space subject to the provisions of this Ordinance.
- I. Where a use is not specifically mentioned, the requirements or a similar or related use shall apply.

## ARTICLE X

### CONDITIONAL USES

#### SECTION 10.01 Purpose

The formulation and enactment of this zoning ordinance is based upon the division of the Township into districts, each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use. For purposes of this ordinance, special uses and conditional uses shall be deemed as one and directed into specific district(s) as defined in the ordinance.

#### SECTION 10.02 Authority to Grant Permits

The Township Board, with recommendations from the Township Planning Commission, shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

#### SECTION 10.03 Application and Fee

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Township Board by filling in the official conditional use permit form, submitting site plans as described in Section 10.04, and depositing a fee in accordance with the requirements of Section 2.07. An application for a conditional use permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address of the property involved.

#### SECTION 10.04 Site Plan Review

An application for a conditional use permit shall be accompanied by a detailed site plan, or in some instances a preliminary site plan or sketch plan, to be reviewed by the Township in conjunction with the granting of the permit. The requirements for site plan review have been listed under Section 6.17:

SECTION 10.05 Posting of Notice of Public Hearing

Upon receipt of an application for a conditional use permit, which requires a decision of discretionary grounds, a notice of public hearing shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations 1 occupant of each unit or spatial area shall receive a notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the application for the conditional use permit.
- B. Indicate the property which is the subject of the application for the conditional use permit.
- C. State when and where the application for the conditional use permit will be considered.
- D. Indicate when and where written comments will be received concerning the application.

SECTION 10.06 Findings by the Township Planning Commission

The Township Planning Commission, following the public hearing called for above, shall review the particular circumstances and facts of each application, shall record adequate data, information and evidence, based upon the data, exhibits and information supplied by the applicant, with respect to each item set forth in the general standards, outlined in Section 10.06, and the specific standards for those uses outlined in Section 10.07(B), The Planning Commission shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property.

No Conditional Use Permit shall be issued unless based upon the report supplied by the Planning Commission, the Township Board shall determine that:

- A. The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations as set forth in the Ordinance applicable to said Conditional Use in the zoning district in which said use is to be located and shall be lawful under all Federal, State and



Local laws, Ordinances and Regulations applicable thereto.

- B. The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons who will own or operate the property shall be able to adequately provide any service on a non-public basis. In this regard, the plans and specifications for which a Conditional Use Permit has been applied shall be submitted by the Township Planning Commission to the Township police and fire department and to the Calhoun County Health Department with a request for a written recommendation that the building or development will comply with applicable standards for approval.
- C. The parcel will not be hazardous or disturbing to existing or future neighborhood use.
- D. The property will not create excessive additional requirements at public cost or public facilities and services.
- E. The property will be harmonious with and in accordance with the general objectives or with specific objectives of the Township Master Plan then in effect.
- F. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.
- G. The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- H. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

SECTION 10.07 Compliance with Conditions, Limitations, and Requirements - Grounds for Revocation

In issuing a Conditional Use Permit, the Township Board may require a surety or cash bond to be furnished by the owner to ensure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The amount of said bond shall be determined by the Township Board.

SECTION 10.07A Conditions, Limitations, Requirements and Safeguards

The Township Planning Commission may recommend and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be

observed.

The issuance of a Conditional Use Permit by the Township Board shall entitle the owner to continue to operate the conditional use so long as he remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Conditional Use Permit if such a Conditional Use Permit is granted, does expressly grant to the Township for the enforcement of this Ordinance, the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued, shall violate any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance and the Township may proceed to enforce the provisions of this Ordinance and the terms, conditions, limitations, and safeguards of the Conditional Use Permit as provided in this Ordinance, in addition to all other remedies provided herein, in the event that such Conditional Use Permit shall be and become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

SECTION 10.07B SPECIFIC STANDARDS FOR CONDITIONAL USES

In addition to the general standards outlined in Section 10.06, each conditional use shall comply with the sign regulations established within Article 8 and the parking regulations established in Article 9. For each conditional use identified below, there shall be additional specific standards as required in the Section pertaining to that use.

<u>Conditional Use</u>	<u>District</u>	<u>Section</u>
Junk Yards	LI	10.08
Commercial Kennel	AB	10.09
Drive-In Theaters	HS	10.10
Gasoline Service Station	HS	10.11
Community Facilities (Public/Non-profit)	AA,RA,RB	10.12
Extraction and Mining	AA, AB, LI	10.13
Campgrounds	OC	10.14
Planned Unit Resid.	RA, RB, MHP, MF	10.15
Planned Shopping Center	HS	10.16
Residential Care Facilities	RB, MF, OB, HS	10.17
Essential Services	(All Districts)	10.18
Agri-Business	AB	10.19
High Density Feed. Op. (Permitted Use Conditions)	AB	10.20
Home Occupations	AB,AA,RA,RB,OB	10.21
Wholesale Service Center	HS	10.22
Telecommunication Towers	AA, HS, LI	10.23
Adult Entertainment	LI	10.24

Concrete processing and Storage	AA,AB, LI	10.25
Wind Energy Conversion	All Districts	10.26

SECTION 10.08 Junk Yard

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with applicable State of Michigan Statutes.
- B. It is recognized by this Ordinance that the location in the open of such materials included in the Ordinance's definition of "Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot.
  - 1. In addition to the foregoing requirements, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE 6.
- C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

SECTION 10.09 Commercial Kennel

An application to construct a commercial kennel for the purpose of boarding ten (10) or more domesticated animals shall, in addition to the conditional use permit, require any necessary permits and approvals from Calhoun County and the State of Michigan. In addition:

- A. There shall exist a one-hundred (100) foot setback from any adjacent property line for any exterior area used for animal exercise area (such as a dog run).
- B. Any buildings constructed for interior boarding shall be soundproofed and located no closer than fifty (50) feet to any adjoining property line.
- C. Perimeter landscaping and/or fencing shall be utilized to screen those areas from

such adjacent property.

SECTION 10.10 Drive-in Theaters and Temporary Transient Amusement Enterprises

In addition to and as an integral part of development, the following provisions shall apply:

- a. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction painted or otherwise finished neatly and inconspicuously.
- b. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the Planning Commission may require a greenbelt in accordance with the provisions of ARTICLE 6.
- c. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

SECTION 10.11 Gasoline Service Stations

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

A. Frontage and Area:

Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum of twelve thousand (12,000) square feet.

B. Setback:

Every structure erected for use as a gasoline service station shall have a minimum setback from the street right-of-way of thirty five (35) feet and a minimum setback from all property lines of twenty five (25) feet. A greenbelt area in accordance with the regulations specified in Section 6.07 may be required by the Township Board. No part of the setback or greenbelt area shall be used for the storage of dismantled vehicles or junk.

C. Construction Standards:

All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six (6) inches high.
  2. The entire area used for vehicle service shall be paved, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
  3. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repairs may be carried on outside of the building.
  4. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.
  5. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than sixty (50) degrees.
  6. The minimum distance between curb cuts shall be no less than forty (40) feet.
- D. Lighting:

All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.

#### SECTION 10.12 Community Facilities (Public and Non-profit)

Such facilities include community and governmental buildings, libraries or similar facilities. Uses are deemed compatible within residential districts provided they meet the following conditions:

- A. Parking areas shall be screened from any adjacent residence through the installation of an opaque fence of at least six (6) feet in height or a natural landscape screen of equal density and height.
- B. Lighting shall be directed away from adjacent residences and clearly shown on a required site plan.
- C. The approval may be conditioned on the use of such facilities and the hours of operation. Changes or alterations in the use of such facilities may require a rehearing on the permit and the assignment of additional conditions.

#### SECTION 10.13 Extraction and Mining

Including extraction of sand, gravel, fill dirt, topsoil, gas and oil; provided that such activity shall be permitted as a conditional use only in the AA and AB Agricultural Districts and shall

comply with the following provisions:

- A. Pits and quarries shall be completely enclosed by a fence four (4) or more feet in height for the safety of the general public. Said fence shall be placed no closer than ten (10) feet to the outside perimeter of the pit or quarry. Said fence shall conform with the minimum setback requirements of the district in which it is located.
- B. No slope shall exceed an angle with the horizontal or more than thirty (30) degrees for the first 12 feet along the horizontal, after which the slope shall not exceed an angle with the horizontal of more than forty five (45) degrees.
- C. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural grounds. All slopes and banks shall be reasonably graded to prevent excessive erosion.
- D. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress and egress or truck movement in order to minimize the wear on public roads and to prevent hazards to traffic, all interior roadways shall be chemically treated to reduce dust.

SECTION 10.14 Specific Conditions & Requirements - Campgrounds

Requirement for license: Private and semi-private campgrounds for active and passive recreational uses may be constructed provided that such activities shall be permitted as a conditional use only in the A-Agricultural district and the OC-Open Space and Water Conservation district and shall comply with the following provisions and Act 363 of the Public Acts of 1978, as amended.

- A. Development Standards
  - 1. A campground shall not be located where it will be detrimental to public health, safety and welfare.
  - 2. A campground shall not be located on top of an abandoned landfill which has been used within the past five (5) years for disposal of garbage and refuse.
  - 3. Development of campgrounds require a construction permit.
  - 4. Criteria required for the issuance of a construction permit shall include but not be limited to the following: (a) Health permit from the Hillsdale County Health Department: (b) A sketch drawn to scale showing the plot plan and general layout of facilities: (c) Where it is proposed to extend water and sewer lines to site or where the sewage disposal system includes a treatment process other than a septic tank with a soil absorption system, the plans for the sanitary facilities shall be prepared by an engineer registered in Michigan: (d) A plan

for the proposed method of garbage and refuse storage and disposal must be submitted: (e) Upon receipt of their State of Michigan Campground License, the owner shall apply to the Township for the annual Township permit: (f) The organization owning or operating the camping and recreation areas shall be subject to revocation of license if restriction herein stated shall be violated.

B. Types of:

Campground facilities shall be one of 3 types of any combination thereof: Modern, Primitive and Temporary or Rally.

A Modern Campground means a tract of land where Recreational units are accommodated and water flush toilets and water under pressure are available at a service building or a water outlet. Sewer connections are available at each site.

A Primitive Campground means a tract of land where recreational units are accommodated and water if furnished from a hand pump well and sewage is disposed of by means of a sanitary privy.

A Temporary or Rally Campground means a tract of land where recreational units are accommodated on a temporary or short time bases, two (2) weeks maximum, and sewage is disposed of by means of a portable sanitary privy.

C. Site Use and Arrangement:

- 1. A site in a campground unless designated on an approved plan as a walk in site shall abut on a roadway and shall be of such size and so arranged as to provide for a recreational unit and shall have at least fifteen (15) feet of road frontage width and twelve hundred (1,200) square feet of area for each camping unit.
- 2. A road right-of-way shall be provided having a minimum width of twenty (20) feet. This right-of-way shall be free of obstruction to provide free and easy access to abutting sites. The traveled portion of the right-of-way shall be maintained in a passable and dust free condition when the campground is in operation, in a Modern Campground the road surface shall be paved.

D. Uses Permitted

No building or structure, or part thereof shall be erected, altered and no land shall be used, except for the following:

- 1. Public and private park and recreational area, of at least twenty-five (25) acres in area, including a picnic area and/or picnic pavilion, softball and baseball diamonds: golf course (not lighted): driving range (not lighted): swimming, boating, and ice sports facilities:

amusement and other outdoor recreational sports activities, not including games of chance: camping sites for tents: campers and travel trailers not exceeding forty five (45) feet in length. The proprietor of the parkland recreational facilities shall be deemed to have violated these provisions if any other person shall part any tent, camper, or travel trailer in violation hereof: both houses, lodges and other accessories or incidental local commercial buildings as delineated on the approved site plan, or uses which are incidental to the above uses, but not including the sale of beer and wine or spirits, are permitted.

2. All modern camping sites for tents, campers, and travel trailers shall have a central water supply system with portable water under pressure piped to within three hundred (300) feet of each trailer, tent or camper site, and with fire hydrants available within one thousand (1,000) feet of each campsite. If a public water supply system is available within five hundred (500) feet of any portion of the land, then the water supply shall be connected thereto.
3. In a Modern Campsite, an enclosed toilet and sewage facility approved by the Michigan State and County Health Departments, with hot and cold running water available therein shall be provided for every trailer, tent or campsite, not further than five hundred (500) feet from every trailer site within the park. In public sewer shall be available within five hundred (500) feet of any portion of the land, the park system shall be connected thereto. No vehicle, tent, camper or travel trailer will be allowed within the park except on an approved campsite. The proprietor of any park shall not permit any person who is not properly parked and registered upon an approved campsite within the park to use any facilities of such park.
4. No trailer, tent, camper vehicle or building, other than a single family residence, will be placed, parked or erected within one hundred (100) feet of any property line of park or recreational facility.
5. All campfire areas, firepits, grills or fireplaces designed for cookouts or campfires shall be inspected by the local Fire Official and must meet all applicable safety standards. No fires, campfires, or cooking fires will be permitted except in these designated areas.
6. No games of chance or sale of alcoholic beverages shall be permitted anywhere upon the camping and recreational area.

#### SECTION 10.15 - Planned Unit Residential Developments

The owner or owners of any tract of land in the RA, RB, MF district comprising an area of not less than five (5) acres may submit to the Township Planning Commission a site plan for the use and development of the tract as a Planned Unit Residential Development (PURD).

- A. Required standards for approval:



1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area.

The area of land set aside for common land, open space or recreation, except as above indicated, shall be included as a part of the net development area.

2. The proposed development will be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, refuse disposal: or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Public water and sewer systems shall serve the development whenever deemed feasible by the Township.
3. The proposed unit is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.
4. The common open space, any other common properties, individual properties and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
5. In view of the "conditional use" nature of the PURD amendment procedure, deed restrictions and covenants entered into or proposed to be contracted for,, by the developer become an appropriate consideration of the Township Planning Commission.

The Planning Commission shall consider the manner in which the lawful contractual techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon the contractual relations between private parties, or may recommend procedures whereby the Township becomes a party to such contractual relations.

- B. Required provisions in site plan: The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, accessory uses, thereto, and public facilities as may be necessary for the welfare of the Planned Unit Residential Development and not inconsistent with the best interest of the entire Township.

The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the PURD) as open space for common use. The development as authorized shall be subject to all conditions of this ordinance only to the extent specified in the authorization.

- C. Tentative Township Board Approval: The Township Board, upon the receipt of the Planning Commission's report on the proposed plan, may then give tentative approval to such plans, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this ordinance to promote the public health, safety, morals, convenience and general welfare.

The applicant shall then review his application and plan in final approved form and sign a statement that the planned unit residential development plan in its final form shall be binding on the applicant, his heirs, successors, and assignees.

When the Township Board gives final approval, conditional use permit shall be issued for the PURD even though the size of lots, the depth of yards and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

SECTION 10.16 Planned Neighborhood Shopping Centers

Such centers shall be permitted as a conditional use in the OB and HS Districts and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District
- B. Site Development:
1. Such development shall occupy a site of not less than three (3) acres with not less than three hundred (300) feet of street frontage.
  2. No building shall be located nearer to the neighborhood center than a distance equal to twice the height of said building.
  3. No building shall exceed the height limitation specified in the zoning district in which it is located.
- C. Screening: When such development is located in or adjacent to a Residential District or when located adjacent to a public institution or open space, a greenbelt shall be required in accordance with the regulations specified in SECTION 6.07.
- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Vehicular Approach: Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways shall be located as far from street intersections as practicable,

but in no case less than fifty (50) feet.

- F. Parking and Circulation: There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center. On site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and well drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.17 Planned Community and Regional Shopping Centers

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

- A. Uses Permitted: Any use permitted in the HS District, with the addition of the following:
  - 1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
  - 2. Recreational facilities incidental to the principal operation of the center and operation of the center and of the nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- B. Site Development:
  - 1. Such development shall occupy a site of not less than (10) acres with a minimum street frontage of one thousand (1000) feet.
  - 2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than fifty (50) feet.
- C. Screening and transition: When such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry wall not exceeding six (6) feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.

- D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- E. Sign: All signs shall conform to the provisions of ARTICLE 8 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.
- F. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Drive-ways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.
- G. Parking and Circulation.
  - 1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.
  - 2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
  - 3. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.
  - 4. On-site circulation facilities shall be designed so that there shall be no backing of traffic into public streets.
  - 5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well drained surface.
  - 6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.18 Essential Service Buildings

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.

No building shall be used for residential purposes. An opaque fence or greenbelt may be required by the Township Board when deemed necessary.

SECTION 10.19 Agri Business

- A. Provided that such use be permitted as a conditional use only in the Agricultural District.
- B. An Agri-Business and buildings, structures, lots, parcels or parts thereof which provided services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An Agri-Business may include but is not limited to:
  - 1. Farm machinery, sales, service, rental and repair
  - 2. Grain elevators for storage, drying and sales
  - 3. Bulk feed and fertilizer outlets and distribution centers
  - 4. Seed dealership outlets and distribution centers
  - 5. Grain and livestock trucking and cartage facilities
  - 6. Auctions for livestock
  - 7. Dairy products production and processing operations

SECTION 10.20 High Density Animal Feeding Operation

The development of a high density animal feeding operation is subject to the following interpretation and conditions:

- A. Animals are confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period.
- B. The operation meets or exceeds the feeding and confinement of one-thousand (1,000) or more animal units defined as follows:
  - 1. One (1) beef or feeder cattle
  - 2. Seven-tenths (.7) mature dairy cattle, whether milked or dry cows.
  - 3. Two and five tenths (2.5) swine each weighing 55 pounds or more.
  - 4. Dive-tenths (.5) horses.
  - 5. Ten (10.0) sheep, lamb or goats
  - 6. Fifty-five (55) turkeys
  - 7. One hundred (100) laying hens or broilers (if the facility has a continuous overflow

watering system).

8. Thirty (30) laying hens or broilers (if the facility has a liquid manure handling system).
9. Five (5) ducks.
- C. The confinement and feeding of animals complies with Federal, State and local regulations, with any former violations by the owner or operator documented at the time of application.
- D. A sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility when the animals are housed or confined.
- E. Two or more contiguous animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership, operation, or share a common area or system for waste disposal.
- F. The operation must utilize accepted animal waste (manure, bedding, flush waters or other by-products) management practices which reduce pollutants to levels compatible with Federal, State and local regulations.
- G. An application for conditional use permit for high density animal feeding operations shall include in addition to a site plan the following information:
  1. A description of the types and total number of animal units to be confined on the site.
  2. A detailed plan for the handling, storage, treatment, and disposal of animal waste; including the timetable for implementation of the plan and the location of any waste application.
  3. A detailed plan for controlling noise, dust, and odors; including a timetable for implementation of the plan.
  4. A description of the design, installation and operation of all facilities and equipment required to monitor groundwater, soil, or air contamination as required by Federal, State or local regulating agencies. In addition, copies of reports or results of tests shall be submitted to the Township upon receipt by the owner/operator.
- H. The operation shall meet setback and location standards as follows:
  1. All structures or confined lots designed to house or contain farm animals or animal waste shall be setback at least three hundred (300) feet from adjacent property lines or the road right-of-way.
  2. All structures or confined lots designed to house or contain farm animals or animal waste

shall be setback at least seven hundred and fifty (750) feet from any residence, except that of the confined feeding operator; one thousand five hundred (1,500) feet from any church, business, school, recreational area, or any public building; and two thousand two hundred and fifty (2,250) feet from any low density residential zoning district.

SECTION 10.21 Home Occupations

- A. Home Occupations: Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
1. The non-residential use shall be only incidental to the primary residential use of the property.
  2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) per cent of the total floor area.
  3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
  4. All activities shall be conducted indoors.
  5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
  6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.
  7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
  8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

SECTION 10.22 Wholesale Service Center

The following conditions shall apply for the granting of a conditional use permit for development of a wholesale service center:

- A. No assembly of products shall occur on the premises.
- B. The use shall be limited to distribution and redistribution of goods of a wholesale nature,

with transportation of such goods along state highways and/or county primary roads.

- C. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.

SECTION 10.23 Telecommunication Towers

Purpose: Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of the ordinance is to minimize adverse visual effects of towers, avoid damage to adjacent properties while adequately serving the community.

Towers Permitted in Zoning Districts: Towers and alternative design mounting structures that support antennas are conditional uses in the commercial and industrial districts (HS and LI) and within the (AA) Agricultural District where the site is no further than 1,320 feet from a commercial or industrial district. All towers shall be subject to the following conditions:

- A. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back 110% of the height of the tower from any property line or road right-of-way as measured from the tower base. Guy wire anchors shall be setback seventy-five (75) feet from all property lines.
- B. For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this ordinance.
- C. The maximum tower height shall be 300 feet as measured from the ground elevation.
- D. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three (3) strands of barbed wire or an eight foot tall chain link fence. All towers shall be equipped with an anti-climbing device.
- E. A six (6) foot tall landscape screen is required to screen around the exterior perimeter of the fenced area.

Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.

Signs: The use of any portion of a tower for signs other than warning or equipment information is prohibited.



Application Requirements: Application must be made for a building permit, and the following information must be submitted:

1. A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on adjacent properties within 330 feet of the tower base.

The site plan shall also identify the location of the maintenance buildings, which are to be located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.

2. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The township may request that any information that is submitted be certified by a licensed professional engineer.
3. A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.

Location/Separation Requirements: All commercial wireless telecommunications towers erected, constructed or located within Fredonia Township shall comply with the following requirements:

1. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar building within the Township. The applicant must provide information related to their investigation of the potential for co-location on all other towers within the township and within a one-mile area surrounding the township. This provision may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.
2. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least three (3) other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one

carrier to locate on the tower at the time of the application.

Abandonment or Unused Towers or portions of towers: Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Fredonia Township Zoning Board of Appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within twelve months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the real property. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

#### SECTION 10.24 Adult Entertainment

- A. Purpose: Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of Township residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and possible criminal activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.
- B. District: Adult entertainment uses are conditional uses within the LI-Light Industrial District. Such use is deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts and the site development regulations provide for increased setback and lot area to further reduce such incompatibility.
- C. Definitions: Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult book store, adult novelty store or adult video store or similar use which

offers for rent or sale material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25% of the usable floor area and less than 25% of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment".

Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "Specified Anatomical Areas" or describe "Specified Sexual Activities".

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas". Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as defined as having attire which reveals "Specified Anatomical Areas".

Specified Anatomical Areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

- D. Conditions: In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:
1. All such facilities shall meet any State licensing requirements, fire regulations or other state or local requirements for operation.
  2. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
  3. The entrance to such facilities shall be clearly posted "For Adults Only"

and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.

4. Signage shall adhere to the Township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "Specified Sexual Activities" or Specified Anatomical Areas" or any language considered slang providing for the same description.
  5. A site plan shall be submitted which meets the Township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
  6. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
  7. The site for such adult entertainment use shall not be located within 300 feet of any residence or from a residential zoning district.
  8. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this ordinance.
  9. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.
- E. Exempt Uses: Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

#### SECTION 10.25 Concrete Storage and Processing Facility

Such facilities are intended to store used concrete material that has been removed and which will then be processed into a crushed form that can be utilized as base material for other construction purposes. Such facilities shall be subject to the following conditions:

- A. The concrete shall be stored in a pyramidal manner that does not allow for the material to shift or create a hazard during storage or removal for processing.

B. Steel, iron or other scrap material removed from the concrete shall be stored separately and effectively screened by opaque fencing or landscaping. No such material is permitted that has not been associated with the concrete removal.

C. Processing of the material, either by crushing or grinding, shall be limited to hours of operation of 8:00 a.m. to 6:00 p.m. and no processing shall occur on Sundays. The crusher or grinder shall be located on the site to minimize noise, dust or other negative impacts to adjoining properties or the traveling public.

D. The Planning Commission, upon recommendation from the County Road Commission, shall establish routes of ingress or egress or truck movement in order to minimize wear on public roads and to prevent hazards to traffic. All interior roadways shall be chemically treated to reduce dust.

E. Upon termination or abandonment of the concrete storage and processing operation, the site shall be returned to a condition free of debris or other material. The Planning Commission may conduct an annual review of the operation and impose additional conditions when appropriate.

#### SECTION 10.26 Wind Energy Conversion Systems

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.

A. Definition of wind energy conversion systems: 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. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. 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 cooperatives.

B. Conditional use: Due to the concerns related to health, safety and welfare, such systems shall be regulated as a conditional use within all zoning districts, provided such land area is sufficient to support their development and operation. Systems of fifty (50) feet or less are exempt from such conditional use regulation but shall be subject to building, electrical and/or mechanical permit requirements. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:

1) In addition to the requirements of Section 10.04, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all

dwelling units within five hundred (500) feet of the WECS.

2) Each conditional use application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings and/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and Proof of Insurance. In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Serial number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator; Name of installer; Name of person responsible for maintenance; Emergency telephone number in force for the installer and the person responsible for maintenance.

3) Electromagnetic Interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).

4) Noise: The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

C) Site development:

1) Lot Area/Setbacks: No small turbine/on-site WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 150% of the height of the tower as defined in (2) below. No large turbine/utility grid WECS shall be erected on any parcel less than forty (40) acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to utility lines and/or property lines than 200% of the height of any towers as defined in (2) below.

2) Height: The maximum allowable height for any small turbine/on-site WECS, based upon the combined tower and rotor blade length, shall be eighty (80) feet for parcels of one (1) to less than five (5) acres, one hundred and twenty (120) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and sixty (160) feet for parcels of ten (10) acres or more. The maximum allowable height for any large turbine/utility grid WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated

through formal letter that such waiver is acceptable. Ground Clearance: For both horizontal and vertical axis turbines, and WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

3) Accessibility: 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.

4) Connection to power grid: In the case of the WECS 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 resident 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 customer will be required to install a disconnecting device adjacent to the electric meter(s).

5) Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

6) Additional studies: The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, 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.

D) Decommission Plan/Site reclamation: The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.

ARTICLE XI

AA - AGRICULTURAL DISTRICT

SECTION 11.01 Purpose

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, this disrupting the agricultural resources, environment and economy, including the tax base. The intent is to allow for some additional residential development to occur through land division of larger parcels while directing more traditional subdivision and site condominium projects into low and medium density residential districts.

SECTION 11.02 Permitted Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwellings
- B. A parcel may be used for general and specialized farming and agricultural activities, including, but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs and any building or structure may be located thereon and used for the day to day operation of such activities for the quartering, storage and preservation of said crops, livestock, poultry or other animals, products and foodstuffs raised on said lot or in said structure. ***Such use shall be subject to the State of Michigan’s Generally Accepted Agricultural Management Practices (GAAMP’s). Roadside stands selling only products produced on the land shall be permitted.***
- C. ~~A parcel may be used, and a building or structure located thereon, for a riding academy or stable for the raising or keeping of cattle, hogs, ponies, goats or other similar livestock whether for profit or pleasure upon a lot having an area not less than three (3) acres provided that the following requirements are met:~~
  - 1. ~~Building and fenced enclosures used for the quartering of said animals shall be located a minimum distance of one hundred (100) feet from the principal dwelling located on said parcel and principal dwellings on adjacent properties.~~
- D. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- E. A parcel may be used for growing, stripping and removal there from of sod provided that



said lot or portion thereof shall be seeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion by water or wind.

- F. Storage of not more than two (2) non-residential type recreational vehicles provided that such units shall be completely within the side and rear yards.
- G. A sign only in accordance with the regulations specified in ARTICLE 8.
- H. An accessory use, building or structure.
- I. Family care home (See definition)
- J. Churches and/or schools, subject to the following conditions:
  - 1. The minimum lot area shall be five (5) acres and the minimum side yard setback shall be no less than fifty (50) feet.
  - 2. No parking or drive aisles shall be located within the side or rear yard setback areas and screening shall be provided between any parking lot or drive aisle and any adjoining residence within 100 feet.
  - 3. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Sunday.

#### SECTION 11.03 Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Community Facilities
- B. Home occupations
- C. ~~Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated on or vicinity area of the same township.~~
- D. Telecommunication Towers, provided the site is located within 1,320 feet of a commercial or industrial zoning district.
- E. Temporary Building

A single-family mobile home, with a minimum floor area of at least 720 square feet, may be used as a temporary dwelling during the construction of a house or as a trailer office during the construction of any other building or structure permitted within this district.

Such mobile home must be connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County Health Department.

All conditional use permits for such mobile homes will be issued by the Township Board for a period not to exceed one (1) year. Request for renewals must be made through the Township Zoning Administrator at least thirty (30) days prior to the expiration date of the permit in force. Should the mobile home no longer be used for the intended temporary purposes, the conditional use permit shall be revoked and the mobile home shall be removed.

- F. Essential Services
- G. The removal, extraction or mining of materials or other natural deposits including sand soil or gravel.
- H. Concrete processing and storage

#### SECTION 11.04 Regulations

- A. ~~LOT AREA: No building or structure shall be established on any lot less than 66,000 square feet (approximately 1.5 acres), except that for the raising or keeping of cattle, hogs, horses, ponies, goats and similar livestock whether for profit or pleasure, the minimum lot area requirement shall be three (3) acres.~~
- B. LOT WIDTH: The minimum lot width, measured at the road frontage shall be not less than three hundred and thirty (330) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed fifteen (15) per cent.
- D. MINIMUM FLOOR AREA: The minimum first floor area for a one (1) story dwelling is seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. YARD AND SETBACK REQUIREMENTS:
  - 1. Front Yard: Not less than fifty (50) feet from the right-of-way line as verified by the Calhoun County Road Commission, if necessary.
  - 2. Side Yards: Least width of either yard shall not be less than thirty (30) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than thirty (30) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
  - 3. Rear Yard: Not less than fifty (50) feet.

4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT: The following height requirements shall apply in this district:
  1. For dwellings and non-farm buildings and structures: No dwelling or non-farm building or structure shall exceed a height of three (3) stories or forty (40) feet.
- G. Required off-Street Parking: As required in ARTICLE 9.

ARTICLE XI-A

AB – AGRICULTURAL BUSINESS DISTRICT

SECTION 11A.01 Purpose

The purpose of this district is to provide for limited areas within the Township where more intensive, business related agricultural activities may occur. As traditional agricultural areas have been impacted by the encroachment of residential uses, more intensive agricultural uses have become incompatible. In addition, many of the existing agricultural uses have expanded or diversified in a manner that increases this incompatibility, resulting in the need to separate these uses. This can be accomplished through a separate district with increased site development standards, such as lot area and setbacks from other residential development areas.

SECTION 11A.02 Permitted Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. General and specialized farming and agricultural activities, including, but not limited to, the raising and growing of crops, livestock, poultry and other farm animals, products and foodstuffs.
- B. Farm dwellings, provided the parcel meets the site development requirements for the district and the owner or resident has some involvement with the agricultural operation or other permitted use.
- C. Riding academies or stables for the raising or keeping of horses, cattle, hogs, goats or other similar livestock.
- D. Family care home.
- E. Veterinary clinic, animal hospital or similar facilities for the care of animals.
- F. An accessory building or structure.
- G. A sign, in accordance with the regulations specified in ARTICLE 8.
- H. Churches and/or schools, subject to the following condition:
  - 1. Screening shall be provided between any parking lot or drive aisle and any adjoining residence within 100 feet of such area.

- I. High Density Animal Feeding (Intensive Livestock) Operations, subject to the waste management requirements of the State of Michigan, including amendments to the Right to Farm Act (P.A. 261 of 1999) that established Generally Accepted Agricultural Management Practices (GAAMP's) for such operations and the conditions under Section 10.20

SECTION 11A.03 Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10:

- A. Commercial kennel for the boarding of domesticated animals.
- B. The removal, extraction or mining of minerals or other natural deposits including sand, soil, or gravel.
- C. Private airport or landing strip, subject to FAA requirements.
- D. Home occupation.
- E. Roadside stand, provided the majority of the products to be sold are raised on the premises and any other products are consistent with the farm operation.
- F. Other agri-business, subject to Section 10.19, including, but not limited to:
  1. Farm machinery sales, service, rental and repair, provided the repair activities on outside equipment (not used in the farm operation) does not exceed twenty-five percent (25%) of the total repair activity.
  2. Bulk feed, seed or fertilizer outlet or distribution center.
  3. Grain elevators for storage, drying and sales.
  4. Grain, livestock and fuel trucking facilities.
  5. Livestock auction facilities.
  6. Dairy products production and processing operations.

SECTION 11A.04 (Site Development) Regulations

- A. LOT AREA: No building or structure shall be established on any lot less than forty (40) acres.

- B. LOT WIDTH: The minimum lot width, measured at the road frontage, shall be not less than six hundred and sixty feet (660').
- C. LOT COVERAGE: The maximum lot coverage shall not exceed ten (10) percent.
- D. MINIMUM FLOOR AREA: The minimum floor area for a one (1) story dwelling shall be seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling shall be five hundred fifty (550) square feet.
- E. YARD AND SETBACK REQUIREMENTS:
  - 1. Front Yard: Not less than seventy-five (75) feet from the road right-of-way line, as verified by the Calhoun County Road Commission.
  - 2. Side Yards: Least width of either side yard shall be fifty (50) feet.
  - 3. Rear Yard: Not less than fifty (50) feet.
  - 4. No building or structure shall be located within one hundred (100) feet of any existing residence on an adjacent property.
  - 5. The above requirements shall apply to all buildings and structures, but shall allow for the fencing of pasture or crop land along the parcel boundary.
- F. HEIGHT: The following height requirements shall apply in this district:
  - 1. Farm dwellings shall not exceed a height of three (3) stories or forty (40) feet.
- G. Required off-street parking subject to the provisions of ARTICLE 9.

ARTICLE XII

RA - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 12.01 - Purpose

The purpose of this district is to provide for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid waste water disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of the areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

SECTION 12.02 - Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwellings and any use, building or structure accessory, thereto.
- ~~B. A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.~~
- C. A sign, only in accordance with the regulations specified in ARTICLE 8.
- D. Family care home
- E. Churches and/or schools, subject to the following conditions:
  - 1. The minimum lot area shall be two (2) acres, the minimum lot width shall be three hundred (300) feet and the minimum side yard setback shall be no less than fifty (50) feet.
  - 2. No parking or drive aisles shall be located within the side or rear yard setback areas and screening shall be provided between any parking lot or drive aisle and any adjoining residence within 100 feet.
  - 3. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Sunday.

SECTION 12.03 Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are

permitted in this district subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Golf course, which may include a golf driving range: country club, public swimming pool, swimming and recreation club, public and private park and playground. Such use shall be integrated within an overall residential development plan
- B. Community facilities.
- C. Home occupation
- D. A planned unit residential development only in accordance with the procedures and regulations specified in ARTICLE 10.
- E. Essential Services

SECTION 12.04 Regulations

- A. LOT AREA: No building or structure shall be established on any lot less than thirty thousand (30,000) square feet.
- B. LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty (20) per cent.
- D. MINIMUM FLOOR AREA: The minimum first floor area shall not be less than seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. YARD AND SETBACK REQUIREMENTS:
  - 1. Front yard: Not less than fifty (50) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
  - 2. Side yards: Least width of either yard shall not be less than thirty (30) feet.
  - 3. Rear yards: Not less than fifty (50) feet, except when the rear yard abuts a waterbody, then not less than one hundred fifty (150) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT:



*Fredonia Township Zoning Ordinance*

1. For buildings and structures: no building and no structure shall exceed a height of two and one half (2 1/2) stories or thirty five (35) feet.
  2. For detached accessory buildings: no detached accessory building shall exceed a height of twenty five (25) feet.
- G. Required off-street parking: as required in ARTICLE 9.

ARTICLE XIII

RB - MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 13.01 Purpose

The purpose of this district is to provide environment for medium to high density residential areas with suitable open space. This district shall generally be located on the fringe of urban-type development. The district allows flexibility of lot size dependent upon the availability of public sewer and water services.

SECTION 13.02 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwelling and any use, building or structure accessory thereto.
- B. Two family dwelling and any use, building or structure accessory thereto.
- C. Family care home
- D. A sign, only in accordance with the regulations specified in ARTICLE 8.
- E. Churches and/or schools, subject to the conditions listed under Section 12.02.E.

SECTION 13.03 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Country club, public swimming pool, and recreation club, private and public park and playground.
- B. Community facilities
- C. Home occupation
- D. A planned unit residential development, only in accordance with the procedures and regulations specified in ARTICLE 10.
- E. Essential Services.
- F. Group care home (See definition)

SECTION 13.04 Regulations

- A. LOT AREA: Where a lot is served with a public sanitary sewerage system, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area. Where a lot is not so served, there shall be provided a minimum of thirty thousand (30,000) square feet of lot area.
- B. LOT WIDTH: The minimum lot width for lots served with a public sanitary sewerage system shall be seventy five (75) feet. Where a lot is not so served, the minimum lot width shall be one hundred fifty (150) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed thirty (30) per cent.
- D. MINIMUM FIRST FLOOR AREA: The minimum first floor area for a one (1) story dwelling shall be seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
- E. YARD REQUIREMENTS:
  - 1. Front Yard: Not less than twenty-five (25) feet from the right-of-way line as verified by the Calhoun County Road Commission, if necessary.
  - 2. Side Yards: Least width of either yard shall not be less than eight (8) feet, but the sum of the two side yards shall not be less than twenty (20) feet: except in the case where the side yard on the road or street side shall not be less than twenty five (25) feet.
  - 3. Rear Yards: Not less than thirty (30) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT: The following height requirements shall apply in this district:
  - 1. For Buildings and Structures: No building and no structure shall exceed a height of two and one half (2 1/2) stories, but not exceeding thirty five (35) feet.
  - 2. For Detached Accessory Buildings: No detached accessory building shall exceed a height of twenty five (25) feet.
- G. REQUIRED OFF-STREET PARKING: As required in ARTICLE 9.

ARTICLE XIV

MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 14.01 Purpose

The purpose of this District is to provide for various types of multiple family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this District are intended to recognize that various forms of site development are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate such development in order to prevent congestion of the public street, reduce hazards to life and property, provide desirable light and air, and to provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development on or near major streets, and should be served by public sewerage systems and other appropriate urban facilities and services, particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required when public sewer facilities are not presently available. It would be anticipated that these transitional areas would be provided with the public facilities in the near futures. There is no intent to promote by these regulations a district of lower quality or desirability than any other residential district, although a higher density of population and a greater variety of dwelling types are permitted herein.

SECTION 14.02

The specific uses permitted in the MF - Multiple Family Residential District shall be the erection, construction, alteration, conversion and use of buildings and/or lands for:

- A. Multiple dwellings
- B. Group Housing and Garden Apartment developments: Two or multiple dwelling structures may be constructed upon a single lot when the final site plan thereof is submitted to and approved by the Planning Commission, subject to the following conditions:
  - 1. Buildings shall be for residential purposes and customary accessory use only.
  - 2. Only public sewerage systems shall be utilized.
  - 3. Any site development for group housing shall be not less than five (5) acres in gross area: shall be developed and maintained as one (1) unified design: and shall remain under the ownership on one legal person.
  - 4. All requirements for this district shall be complied with.
- C. Two-Family Dwellings
- D. Group care home

SECTION 14.03 - Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- A. Planned unit residential development.
- B. Offices.
- C. Limited residential care facilities

SECTION 14.04 Regulations

In the MF-Multiple Family Residential District, every multiple dwelling or group of buildings within a group housing development hereafter constructed or structurally altered shall be located on lots of no less area than specified in the following table, unless otherwise provided herein.

- A. LOT AREA:
  - 1. One (1) acre for the first dwelling unit of each multiple dwelling structure.
  - 2. Three thousand (3,000) square feet for each additional dwelling unit containing two (2) or more bedrooms.
  - 3. Two thousand (2,000) square feet for each additional dwelling unit containing less than two (2) bedrooms.
- B. LOT WIDTH: The minimum lot width shall be three hundred (300) feet.
- C. LOT COVERAGE: The maximum lot coverage shall be thirty-five (35) percent.
- D. MINIMUM FLOOR AREA: The minimum floor area for any unit within a multiple family development shall be six hundred (600) square feet.
- E. YARD REQUIREMENTS:
  - 1. Front Yard: There shall be a front yard having a depth of no less than thirty-five (35) feet from the road right-of-way line as verified by the Calhoun County Road Commission, if necessary, provided that where established buildings on adjacent lots vary from the minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building: provided further that this provision shall not be interpreted to require a front yard of more than forty (40) feet nor less than twenty-five (25) feet.
  - 2. Side Yard: There shall be a minimum side yard of fifty (50) feet, provided

that no building shall be located less than one hundred (100) feet from the boundary of a single family residential district, except in the case of a corner lot where the street side yard shall be no less than the minimum residential front yard requirement along such street.

3. Rear Yard: There shall be a rear yard of no less than fifty (50) feet provided that no building shall be located less than one hundred (100) feet from the boundary of a single family residential district.
4. The following requirements shall apply to group housing projects when two or more garden apartment buildings, or mixture of housing types are located on the same lot.
  - A. The minimum horizontal distance between buildings (that is, front to front, rear to rear, or front to rear, as the case may be) shall be fifty (50) feet or buildings on (1) story in height, and shall be increased by no less than five (5) feet for each additional story in height.
  - B. The horizontal distance between ends of buildings shall be no less than twenty five (25) feet. Where the end of one (1) building is opposite the face or rear of another building, the minimum horizontal distance between them shall be increased by no less than five (5) feet for each additional story in height of each building.
  - C. The horizontal distance between corners or adjacent buildings that do not face one another or overlap in any way shall be no less than thirty (30) feet.
  - D. Courts completely enclosed by building walls shall not be permitted: provided that screens or fences not exceeding eight (8) feet in height shall not be deemed enclosing features.
  - E. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1 1/2) times the width of such court.
  - F. No building shall be closer than twenty five (25) feet to any street or private access drive, neither shall any entrance to a dwelling unit be closer than twenty five (25) feet to any street, private access road, driveway, or parking area.
- F. HEIGHT: No building or structure shall exceed thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.

G. Required off-street parking: as required in ARTICLE 9.

ARTICLE XIV-A

OB-OFFICE BUSINESS DISTRICT

Section 14A.01 Purpose

The purpose of this district is to provide for a transition in use between existing residential uses and commercial or industrial development. This district is designed to establish a buffer in order to reduce conflicts associated with the incompatibility of residential and more intensive commercial and industrial uses. Such conflicts include traffic congestion, noise, lighting, and possibly environmental concerns. This district shall allow for the conversion of residences into office and business uses based upon the provision of suitable ingress, egress and parking considerations. Residential and business use may co-exist on one parcel subject to special conditions for their operation. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all of the requirements of the Calhoun County Health Department.

Section 14A.02 Permitted Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district:

- A. One and two family dwellings
- B. Non-retail office and business services.
- C. Churches and/or schools
- D. Financial establishments such as banks, credit unions, insurance, accounting and real estate.
- E. Accessory buildings.

Section 14A.03 Conditional Uses

The following uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10.

- A. Medical and dental offices including chiropractic, optical and veterinary practices.
- B. Home Occupation
- C. Bed and Breakfast.



- D. Accessory uses defined as follows:
  - 1. Office use accessory to the principal residential use or residential use accessory to the principal office use. In this instance, the principal use is defined as that use occupying the majority of the floor area of the principal building.
    - a. Must provide for private entrances, separate bathroom facilities and meet parking requirements for both uses.
    - b. Office use must be located on ground floor or provide for handicapped accessibility.
- E. Limited residential care facilities

Section 14A.04 Regulations

The following regulations shall apply in all OB-Office/Business Districts:

- A. LOT AREA: No building or structure shall be established on any lot less than twenty thousand (20,000) square feet in area.
- B. LOT WIDTH: The minimum lot width shall be one hundred (100) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) percent.
- D. YARD AND SETBACK REQUIREMENTS:
  - 1. Front Yard: Not less than thirty (30) feet from the road r.o.w.
  - 2. Side Yards: Least width of either side yard shall not be less than fifteen (15) feet, except in the case of a corner lot where the street side yard shall be no less than the minimum front yard requirement along such street.
  - 3. Rear Yard: Not less than thirty (30) feet.
- E. HEIGHT: No building or structure shall exceed a height of thirty-five (35) feet.
- F. Required off-street parking: As required in ARTICLE 9.

ARTICLE XV

HS - HIGHWAY SERVICE COMMERCIAL DISTRICT

SECTION 15.01 Purpose

This District is established for the accommodation of those various retail, service and terminal activities which cater primarily to the traveling public. The provisions of this District are designed to permit and encourage the development of service centers which are typically located along major highways, near the intersections of major routes, and adjacent to highway interchanges, and which provide the necessary goods and services for the private and commercial traffic along such routes; and at the same time to discourage the dispersion of such activities on individual sites throughout the Township. These areas will typically not be served by public water service utilities; thus large lot areas and yard will be required in order to provide for on-site water and sewerage facilities, to maintain the open character u\of such areas, to keep interference with through traffic at a minimum, and to allow for increased future traffic volumes and possible future expansion of such routes. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all of the requirements of the Calhoun County Health Department.

SECTION 15.02 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Retail establishments selling principally new merchandise or foodstuffs.
- B. Personal and business services
- C. Banks
- D. Drive-in and automobile oriented establishments similar in character to drive-in restaurants, cafes and banks, but not including auto-washes and drive-in theaters.
- E. Souvenir and gift shops
- F. Tourist information centers
- G. Food and garden stores, nursery stock sales and greenhouses.
- H. Essential Services
- I. Churches and/or schools, subject to a waiver being provided by the applicant related to the 500 foot separation distance from any business with alcohol sales.

SECTION 15.03 Uses Specifically Prohibited in this District

- A. Any type of manufacturing activity.

No building shall be erected in this District unless prior approval of the proposed water supply and waste disposal systems have been approved in writing by the County Health Department. A favorable report from the County Health Department shall be forwarded to the building inspector prior to the issuance of a building permit.

SECTION 15.04 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Commercial recreation facilities: Bowling alleys, theaters, dance halls, skating rinks, miniature golf courses, trampoline or similar public amusement facilities, includes taverns, bars and liquor establishments.
- B. Planned shopping centers.
- C. Mini storage-warehouse facility.
- D. Gasoline Service Stations
- E. Wholesale Service Center
- F. Full residential care facilities
- G. Telecommunication Towers

SECTION 15.05 Regulations

The following regulations shall apply in all HS - Highway Service Commercial District:

- A. LOT AREA: In this district every building hereafter constructed or structurally altered shall be located on a lot of not less than thirty thousand (30,000) square feet in area.
- B. LOT WIDTH: All interior and corner lots shall have a minimum width of one hundred fifty (150) feet along the street upon which such lot principally fronts.
- C. LOT COVERAGE: All buildings, including accessory buildings, shall not cover more than twenty five (25) per cent of the total lot area, except as otherwise specified herein.

D. YARD AND AREA REQUIREMENTS:

1. Front yard: Not less than forty (40) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
2. Side yards: The minimum side yard on each side of a building shall be twenty five (25) feet. Street side yards shall comply with the minimum front yard dimensions.
3. Rear yard: Not less than thirty (30) feet.
4. Side and rear yards may be used for parking, provided that a fence of masonry wall of not less than four (4) feet nor greater than eight (8) feet shall be constructed on the perimeter of such parking area.

E. HEIGHT: No building or structure shall exceed twenty five (25) feet in height, unless each required yard (front, sides and rear) is increased one (1) foot for each additional one (1) foot in height above twenty five (25) feet.

F. LIGHTING: All lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which it may be located.

G. VEHICULAR APPROACH: No establishment in the HS - Highway Service Commercial District shall have more than two (2) driveways, each of which shall not exceed twenty five (25) feet in width, except as otherwise provided herein. No driveway shall be located closer than fifty (50) feet from an intersection and no closer than one hundred fifty (150) feet from the point that the edge of an interstate highway ramp merges with the outer edge of the outer pavement of the intersecting highway.

H. OFF-STREET PARKING: As required in ARTICLE 9.

ARTICLE XVI

LI - LIGHT INDUSTRIAL DISTRICT

SECTION 16.01 Purpose

This District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lesson congestion on public streets and highways. To these ends, certain uses which would function fore effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded. Connection to a public sewer system shall be required unless a private system is determined more feasible and meets all requirements of the Calhoun County Health Department.

SECTION 16.02 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Research oriented and light industrial park use.
- B. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- C. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood lumber, glass, paper, rags, cloth or other similar materials.
- D. Printing, lithographic, blueprinting and similar uses.
- E. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- F. Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from objectionable or dangerous nuisance or hazard including any of the following good and materials:

Drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic products, baked and dairy products, frozen food lockers, advertising displays, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, wearing apparel, leather products and luggage but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass hair, horn, rubber, shell or yarn.

- G. An accessory use, building or structure.
- H. A sign only in accordance with the regulations in ARTICLE 8.
- I. Essential service structures and buildings.
- J. Mini storage warehouse facility as defined in 18.02-57A

SECTION 16.03 Conditional Uses

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Restaurants and cafeteria facilities for employees.
- B. Bus, truck, taxi and rail terminals.
- C. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic tired two- and four-wheeled utility trailers, such as household equipment, pneumatic transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- D. Airport
- E. Gasoline service station
- F. Banks
- G. Temporary building or trailer office
- H. Junk Yards.
- I. Telecommunication Towers
- J. Adult Entertainment

SECTION 16.04 Regulations

The following regulations shall apply in al LI - Light industrial Districts.

- A. LOT AREA: No building or structure shall be established on any lot less than one (1) acre in area.

- B. LOT WIDTH: The minimum lot width shall be two hundred (200) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed twenty five (25) per cent.
- D. YARD REQUIREMENTS:
  - 1. Front Yard: Not less than seventy (70) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
  - 2. Side Yard: Least width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot or parcel where the side yard on the road or street shall not be less than thirty five (35) feet.
  - 3. Rear Yard: Not less than thirty five (35) feet.
  - 4. The above requirements shall apply to every lot, building or structure.
- E. Height: Except as is otherwise provided in this Ordinance, no building or structure should exceed a height of forty five (45) feet.
- F. Required off-street parking: As required in ARTICLE 9.

ARTICLE XVII

OC - OPEN SPACE AND WATERBODY CONSERVATION DISTRICT

SECTION 17.01 Purpose

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels, and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, agricultural capabilities, public and private recreation areas, and the public health, safety and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as flood plan by soil types as compiled by the U.S. Soil Conservation Service.

SECTION 17.02 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- B. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- C. A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- D. Drives and parking areas.
- E. A sign, only in accordance with the regulations specified in ARTICLE 8.



SECTION 17.03 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district, subject to obtaining a conditional use permit as provided in ARTICLE 10.

- A. Public or private forest preserve, game refuge, golf course, park, camping grounds, playgrounds, or other recreation purpose.
- B. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be seeded after stripping by fall of the same year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
- C. Country clubhouse, swimming pool, bath house and the sale of food, beverage and recreation equipment which is incidental and accessory to a recreation use.
- D. Single family dwelling.
- E. All buildings and structures accessory and incidental to permitted uses in this district.
- F. Essential Services.

SECTION 17.04 Regulations

The following regulations shall apply in all OC - Open Space and Waterbody Conservation Districts.

- A. LOT AREA: No building or structure shall be established on any lot less than five (5) acres in area.
- B. LOT WIDTH: The minimum lot width shall be three hundred (300) feet.
- C. LOT COVERAGE: The maximum lot coverage shall not exceed ten (10) percent.
- D. YARD AND SETBACK REQUIREMENTS:
  - 1. Front Yard: Not less than sixty (60) feet from the right-of-way line, as verified by the Calhoun County Road Commission, if necessary.
  - 2. Side Yards: Least width of either yards shall not be less than thirty (30) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.

3. Rear Yard: Not less than fifty (50) feet.
4. The above requirements shall apply to every lot, building or structure.
- E. HEIGHT: The following height requirements shall apply in this district.
  1. For all buildings and structures: No building or structure shall exceed three (3) stories or forty (40) feet.
- F. REQUIRED OFF-STREET PARKING: As required in ARTICLE 9.
- G. PRESERVATION OF ENVIRONMENTAL QUALITY: As required in ARTICLE 6, and in a flood plain as indicated by soil types, the construction or location of bridges, outdoor equipment, bleachers, and similar outdoor equipment or appurtenances, storage of materials and equipment is prohibited unless such elements would not cause any significant obstruction to the flow, or reduction in the impoundment capacity of the flood plain.

ARTICLE XIII A

MHP-MANUFACTURED/MOBILE HOME PARK DISTRICT

SECTION 13A.01 Purpose

The purpose of this district is to provide an area or areas within the Township where manufactured housing and mobile home park development can occur consistent with the standards established by the State of Michigan Mobile Home Commission/Manufactured Housing Division. Such areas shall be consistent with areas in the Fredonia Township Master Plan designated for Medium Density Residential development. Access to a public sanitary sewerage system would be required unless a private centralized wastewater system can be developed with the approval of the Calhoun County Health Department, and can be connected to a public system at some future date.

SECTION 13A.02 Permitted Uses

The following uses of parcels, lots, building and structures are permitted in this district:

- A. Mobile home park.
- B. Manufactured housing community.
- C. Accessory buildings and uses, including clubhouse facilities.

SECTION 13A.03 Conditional Uses

The following uses of parcels are permitted in this district subject to obtaining a conditional use permit as provided for in ARTICLE 10:

- A. Planned unit residential development.
- B. A public or private park, playground, golf course or other recreational facility compatible and secondary to the primary residential use within the development.

SECTION 13A.04 Regulations

The following regulations are intended to define the overall parcel size and maintenance of the perimeter of the site in order to protect and preserve the intended use and buffer such use from surrounding land use:

- A. PARCEL AREA: The minimum parcel area shall be twenty (20) acres.
- B. PARCEL WIDTH: The minimum width of the parcel fronting on a public street or road shall be three hundred and thirty (330) feet.

- C. **SETBACK OF BUILDINGS:** No buildings or structures shall be located within fifty (50) feet of an adjoining property line, with such area landscaped or screened to preserve the integrity of both uses.

ARTICLE XVIII

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 18.01 Rules Applying to Text

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

1. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
2. 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 indicate the contrary.
3. The word "building" includes the word "structure".
4. A "building" or "structure" includes any part thereof.
5. The word "person" includes a corporation as well as an individual.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
7. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 18.02 Construction of Language (Definitions)

For the purposes of this Ordinance the following terms and words are defined as follows:

1. **ACCESS:** An area established through a driveway serving a single lot or unit or a private driveway of no less than twenty (20) feet in width serving two (2) single family units or lots from a public road or street. Each lot or unit must meet the site development regulations for the district in which it is located. (See Definitions for Private Driveway and Private Road).
- IA. **ACCESS LOT BENEFICIARY:** The owner/occupant of a waterfront lot and any other person with a right of access to, or use of, a waterway through some legal conveyance.
2. **ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of the principle building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. An accessory building may not be constructed prior to the construction of the principal building and use.
- 2A. **ACCESSORY USE:** A use subordinate to the principle use on a lot and used for the purpose clearly incidental to those of the main use.

3. AGRICULTURAL: Includes purposes related to agriculture, farming, dairying pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry.
4. ALLEY: A public or legally established private thoroughfare, other than a street, which affords a secondary means of access to abutting property.
5. ALTERATIONS: Any change, addition or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
- 5.A ANIMAL: An organism, other than a human or plant, that is characterized into one of the following three categories: 1) Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged), and are in good health. ~~Chickens or similar fowl may be permitted under these domestic provisions in residential districts provided they are limited to no more than four (4) laying hens and the fenced enclosure is at least fifty (50) feet from any waterbody or ten (10) feet from any property line.~~ 2) Livestock: This category includes those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the classification of animal units associated with livestock operations. This includes cattle, swine, horses, sheep, goats, turkeys, chickens and ducks, ~~except as may be permitted under domestic provisions.~~ 3) Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).
- 5.B. ANIMAL UNIT: Defined as the unit of measurement as to the size of an animal feeding operation as specified in Section 10.20.
6. ANIMATED SIGNS: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
7. APARTMENT: (See dwelling, Multiple Family)

8. AREA, NET SITE: The total area within the property lines of a project excluding external streets.
9. AUTOMOTIVE OR TRAILER SALES AREA: Any space used for display, sale, or rental of motor vehicles or trailers, in new or used and operable condition.
10. AUTOMOTIVE REPAIR: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
11. BASEMENT: That portion of a building which is below the first story, the ceiling of which is less than five (5) feet above the surrounding round elevation at all points and where more than one-half of the height of the story is below the ground line.
- 11A. BED AND BREAKFAST: A building, other than a hotel, where lodgings and light breakfasts are served regularly for compensation.
12. BILLBOARD: Any construction or portion thereof upon which a sign or advertisement used as a outdoor display for the purpose of making anything known of the general public is affixed. This definition does not include any bulletin boards used to display official court or public office notices.
13. BUILDING: Any structure, either temporary or permanent, erected on site, a mobile home or mobile structure, above or below ground, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.
14. BUILDING COVERAGE: That percentage and of the plot or lot area covered by the building area.
15. BUILDING HEIGHT: The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs: to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roof. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that building sets back from the front lie.
16. BUILDING PERMIT: A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
- 16A. BUILDING, PRINCIPAL: One building in which is conducted the principal use of the lot in which it is situated.

17. CHURCH: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
18. CLUB OR LODGE, PRIVATE: A non profit association of persons who are bonafied members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meats on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable Federal, State and Municipal laws.
- 18A. COMMERCIAL FARM: A farming operation requiring the full time of the owner manager or renter and a hired employee.
- 18B. COMMON ELEMENT: An unoccupied area within a site condominium project which is reserved for the enjoyment of all residents (general common element) or by some residents (limited common element) and maintained by those residents through associations.
19. CONDITIONAL USE: A use which is subject to conditional approval by the Township Board. A conditional use may be granted when specified by this Ordinance and for those uses not specifically mentioned. A permitted conditional use is not considered to be a non-conforming use.
- 19A. CONDOMINIUM UNIT: That portion of a condominium project or site condominium development which is designed and intended for separate ownership and use, as described in the Master deed, regardless of intended use. The terms "condominium unit" and "site condominium" shall be considered the equivalent of the terms "dwelling unit" and "lot" for purposes of determining density within a specific zoning district.
20. COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such buildings.
21. COURT, OUTER: A court enclosed on not more than three (3) sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.
22. DISTRICT: A portion of the incorporated part of the township within which certain regulations and requirements or various combinations thereof apply under the provision of this Ordinance.



23. DRIVE-IN OR DRIVE-THRU: An establishment that provides for services to be offered in a manner which accommodates the patron through remaining in their automobile within the off-street parking area accessory to the business or through a designated lane adjacent to the building. The use of any drive-in or drive-thru approach shall be subject to site plan review and approval.
24. DWELLING UNIT: A building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
25. DWELLING - SINGLE-FAMILY: A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:
  - A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
  - B. It has a minimum width across any front, side or rear elevation of twenty (20) feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable room. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction, then and in that event such federal or state standards or regulations shall apply.
  - C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or devise complying with the rules and regulations of the Michigan Mobile Home Commission.
  - D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
  - E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
  - F. The dwelling contains a storage capacity area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
  - G. The dwelling is aesthetically compatible in design and appearance with other residences in

the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy view, unique land contour, or relief from the common or standard designed home.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
  - I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within the connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
  - J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
  - K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
26. DWELLING, TWO-FAMILY: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section (Section defining "Dwelling, Two-Family")
27. DWELLING, MULTI-FAMILY: A building containing three or more dwelling units

designed for residential use and conforming in all other respects to the standards set forth in Section (Section defining "Dwelling, Multi-Family).

28. **ESSENTIAL SERVICES:** The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.
29. **FAMILY:** One person, or group of two or more persons living together who may or may not be inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
30. **FARM:** All of the contiguous neighboring or associated land operated as a single unit on which bonafied agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided however, that land be considered a farm hereunder shall include a continuous parcel of ten acres (10) or more in area.
31. **FLOOD PLAIN:** That portion of land adjacent to a water body or water course which is subject to periodic inundation.
32. **FLOOR AREA:** 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 center line of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half (1/2) of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".
33. **FRONTAGE:** All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

34. GARAGE, COMMERCIAL: Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.
35. GARAGE, PRIVATE: An accessory building not over one (1) story or fifteen (15) feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
36. GASOLINE SERVICE STATION: Any building, or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
37. GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
38. GREENBELT BUFFER: A strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses or the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, bushes.
39. GROUP HOUSING: Two or more multiple dwellings on a parcel of land under single ownership.
- 39A. HIGH DENSITY ANIMAL FEEDING OPERATION: AN ANIMAL FEEDING OPERATION THAT HOUSES OR CONFINES ANIMALS WHOSE NUMBERS TOTAL 1,000 or more animal units: as defined in Section 10.20.
- 39B. HIGH WATER LINE: The line between upland and bottomland that 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 soil, and the vegetation. On an inland lake that has a level established by law, it means the high established lake level. Where water returns to its natural level as the result of a permanent removal or abandonment of a dam, it means the ordinary high-water mark.
40. HIGHWAY: (See "Street Major")
41. HOME OCCUPATION: An occupation that is secondary to the principal residential use.

A Class A "permitted use" home occupation is permitted by right and subject to the following: This occupation shall be limited to the principal building only, and may not exceed thirty percent (30%) of the total floor area of the dwelling. The activities of the Class A home occupation shall be carried on indoors, and such activities shall not require the internal or external alteration, nor the placement of equipment or machinery not customarily associated with the residential use of the property. The occupation shall be limited to the principal residents of the dwelling. For purposes of complying with the Michigan Medical Marihuana Act, this shall be limited to no more than one primary caregiver as defined and protected under the provisions of that Act. For purposes of compliance with an application for Federal Firearms License, this shall be limited to no more than one Type 1 Dealer license. Hours of operation shall be by appointment only, or so limited in nature that such regular hours do not exceed eight (8) in any given week. No retail sales shall be included within such Class A home occupation and no advertising of the location or signage at the location shall be permitted.

A Class B "conditional use" home occupation is permitted only upon approval of a conditional use permit. The occupation shall be limited to no more than one (1) employee other than members of the resident family. It may be allowed in an accessory building provided such area utilized for the home occupation does not exceed six hundred (600) square feet combined for the dwelling and accessory building. A small announcement sign shall be permitted subject to sign regulations. The Planning Commission and the Township Board may impose conditions on such approval, including any retail limitations, hours of operation, or similar restrictions based upon compatibility of the proposed location.

42. **HOSPITAL:** An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities and staff offices.
43. **HOTEL - MOTEL:** A building containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, and with the exception of the unit occupied by the management staff, used only for the accommodation of transients.
44. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
45. **JUNK YARD:** Any land or buildings where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automotive wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

- 45A. **KEYHOLE (RIPARIAN) ACCESS:** An approved access on a waterfront lot granting riparian (beneficiary) rights to one or more persons occupying a separate dwelling unit that may or may not be contiguous to the access lot. Use of any waterfront lot for such access shall be subject to review and approval by the Planning Commission under site plan review or by the Township Board following advisory recommendation by the Planning Commission. The following conditions shall be met:
- A. The keyhole access shall not used for commercial purposes unless such access lot is zoned commercial. No buildings may be constructed on the access lot other than those associated with the rights of beneficiaries as outlined in the development agreement or legal conveyance of such rights.
  - B. The width of the access lot shall not be less than the minimum lot width for the district in which it is located multiplied by the number of access lot beneficiaries being served by the riparian access lot. The total number of beneficiaries shall be limited to family members residing within the dwelling units permitted such riparian rights.
  - C. Frontage calculation shall be a straight line method, with measurement from each sideline of the access lot at the points where the sidelines intersect the high water line. No excavation or channeling is allowed in order to increase the lot width of the access lot. Areas determined by the Zoning Administrator to be non-buildable based upon the presence of a swamp, bog or marsh, shall not be counted toward this frontage calculation but may be included in calculating required lot area or side yard setback areas.
  - D. The required lot area shall not be less than the minimum lot area for the district in which it is located multiplied by the number of access lot beneficiaries being served by the riparian access lot.
  - E. The minimum side yard setbacks for any structure constructed on the access lot shall be twice (2x) the minimum side yard setback for the district in which the lot is located. Any dock extending from or along the waterfront shall be setback no less than fifty (50) feet from any adjoining property line.
46. **LIVING SPACE:** That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not usable the year round.
47. **LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
48. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this

Ordinance, including one (1) principle building together with its accessory buildings, and providing the open spaces, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one parcel or lot if title to the property is held under one deed.

49. LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty five (135) degrees.

50. LOT, INTERIOR: Any lot other than a corner lot.

51. LOT LINES: The lines bounding for as defined herein.

Front Lot Line: In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot and the request for zoning compliance permit. In the case of lots bordering on a lake, river, or canal; the established water or shore line shall be designated as the rear of such lots.

Rear Lot Line: The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Side Lot Line: Any lot lines other than the front lot lines or the rear lot lines.

52. LOT AREA: The total horizontal area within the lot lines of a lot.

53. LOT COVERAGE: That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

54. LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

55. LOT OF RECORD: A lot or parcel existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.

56. LOT WIDTH: The horizontal distance between the side lot lines, measured at the frontage of the lot at the road right-of-way.

57. **MASTER PLAN:** The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. Consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring about the very best community living conditions.
- 57A. **MICHIGAN MEDICAL MARIHUANA ACT:** Initiated Law 1 of 2008. Such use shall be limited to the definitions and protections afforded to registered "qualifying patients" and "primary caregivers" under the Act. For purposes of this ordinance, this shall not permit, at any one location, more than one registered primary caregiver and the limitations afforded them on behalf of no more than five (5) registered qualifying patients. In addition, this ordinance does not provide any protections for patients or caregivers associated with federal law regulating controlled substances and shall not conflict with any changes under state law or decisions by the Court of Appeals to further limit the scope of permitted activities.
- 57B.** **MINI STORAGE WAREHOUSE FACILITY:** A building or a 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 dead storage of customers goods or wares with provision that all such goods and wares are enclosed within a building.
58. **MOBILE HOME:** A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be attached to the ground, or another structure, or to a utility system on the same premises for more than thirty (30) consecutive days. Mobile homes which do not conform to the standards of Section (Section defining "Mobile Home") of this Ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless for temporary residence purposes as hereinafter provided.
59. **MOBILE HOME PARK:** Any subdivision of land for purposes of locating three (3) or more mobile homes, pursuant to the requirements of meeting the State of Michigan Mobile Home Commission Rules.
60. **NON-CONFORMING BUILDING:** A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance nor to the use regulations of the district which it is located.
61. **MODULAR HOUSING UNIT:** A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single family dwellings which are either attached (in rows or clusters) stacked or detached.
62. **NON-CONFORMING USE:** A use which lawfully occupied a building or land at the time of this Ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.



63. NURSING OR CONVALESCENT HOME: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.
64. OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
65. OPEN SPACE: Any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least seventy five (75) percent open to the sky, free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.
66. PARKING SPACE: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
67. PLANNED UNIT DEVELOPMENT: This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control: the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.
68. PRINCIPAL USE: The main use to which the premises are devoted and the main purpose for which the premises exist.
69. PUBLIC PARK: Any park, playground, beach, outdoor swimming pool, parkway within the jurisdiction and control of a governmental agency authorized by State statutes to own and maintain parks.
70. PUBLIC SEWER SYSTEM: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collection, conveying transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.
71. PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish ad, furnishing under State or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
72. RECREATION AREA, PRIVATE: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominately intended to

accommodate recreational vehicles and provide for outdoor recreational activities.

73. **RECREATION VEHICLE:** All those small mobile units principally designed for recreation pastime such as motor homes, camper trailers, pick-up campers, pop-up campers, pop-up tent trailers, and similar camping type vehicles or trailers.

73A. **RESIDENTIAL CARE FACILITIES:** Homes or care facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or conditional uses based upon their compatibility with uses in those individual zoning districts and state licensing requirements as follows:

**Family Care Homes:** Includes child day care, child foster care and adult foster care for six (6) or fewer individuals within a residential setting. Such use is considered a permitted use in any district that permits single family dwellings, subject to definition and state licensing requirements. No non-resident employees are permitted and such use shall operate less than twelve (12) hours per day.

**Group Care Homes:** Includes group day care and group foster care for between seven (7) and twelve (12) children within a residential setting. Such use shall be established as a conditional use, or as a permitted use subject to the same conditions and meet state licensing requirements. A resident employee is required and no more than one (1) non-resident employee is permitted. Such use shall operate less than twenty-four (24) hours per day.

**Limited Residential Care Facilities:** Includes all other adult foster care and child day care and child foster care for up to twenty-five (25) individuals, subject to state licensing requirements. This would include nursing homes, assisted living facilities and senior housing for up to twenty-five (25) people. It is anticipated that these facilities would operate twenty-four (24) hours per day and would include non-resident employees. Such facilities should be located within high density residential or office/business settings.

**Full Residential Care Facilities:** Includes commercial day care centers, nursing homes, assisted living facilities or other congregate care and/or senior housing facilities. Such use shall be considered a commercial use and include part-time and full-time staff and/or access to medical staff.

This definition shall include and regulate unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the Department of Corrections.

74. **RETAIL & RENTAL STORE:** Any building or structure in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

75. **RIGHT-OF-WAY:** A road, street, or other public easement permanently established for passage of persons or vehicles

- 75A. RIPARIAN ACCESS LOT: A type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries.
- 75B. ROAD: A public right-of-way of sixty-six (66) feet or more which has been dedicated for the purposes of providing access to abutting private lots of land including space for pavement and sidewalks.
- 76. ROADSIDE STAND: A permanent structure which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
- 77. ROOMING HOUSE: A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
- 78. ROOMING UNIT: Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.
- 79. ROWHOUSE, (TOWN HOUSE): An attached house in a row or group, each house containing not more than two dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.
- 80. Deleted
- 81. SETBACK: The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
- 82. SCHOOL: A building used for the purpose of elementary or secondary education which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
- 83. SHOPPING CENTER: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
- 84. SIGNS: Any words, numbers, figures, devices, or trademarks by which anything is made known, other than billboards, such as are used to show an individual firm, professional business and are visible from the exterior of the structure.
- 85. STORY: That part of a building, including between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
- 86. STREET: A thoroughfare which affords the principal means of access to abutting properties.

87. STREET, MAJOR: A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
88. STREET, MINOR: A public way, the principal use of which is to give access to abutting properties.
89. STRUCTURE: (See Building)
90. STRUCTURAL ALTERATION: The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
91. SWIMMING POOL: Any artificially constructed, portable or non-portable pool capable of being used for swimming or bathing, heaving a depth of three (3) feet or more at any point.
- 91A. TEMPORARY BUILDING OR TRAILER OFFICE: A building which is temporarily located on a lot for seasonal, immediate or emergency purposes, with such use existing no longer than one (1) year form date of location.
92. TRAILER COACH: Same as Mobile Home.
93. TRAILER COACH PARK: Same as Mobile Home Park.
94. UNDEVELOPABLE LAND: Land which has soil types or a high water condition which presents severe limitations on septic tank and tile fields.
95. USABLE FLOOR AREA: The area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of "usable floor area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
96. USE: The purpose for which land or premises of a buildings thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.
97. VARIANCE: A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
98. YARD: An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in the Ordinance.

**Front Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

**Rear Yard:** A yard 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 line of the main building.

**Side Yard:** A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

99. ZONING DISTRICT: (See District).