

Chapter 38 - ZONING

Footnotes:

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Editor's note— *The chapter was derived from a new zoning ordinance adopted on October 20, 1998, and effective on November 23, 1998.**Numerous changes were made effective April 13, 2008, to conform to the Michigan zoning enabling act, Public Act No. 110 of 2008 (MCL 125.3101 et seq.). The chapter has history notes dating from that 2008 amendment.***State Law reference**— *Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.*

ARTICLE I. - IN GENERAL

Secs. 38-1—38-18. - Reserved.

ARTICLE II. - PURPOSES AND LEGAL CLAUSES

Sec. 38-19. - Purposes.

The purpose of this article is to:

- (1) Promote and protect the public health, safety and general welfare.
- (2) Protect 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.
- (3) Regulate 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.
- (4) Lessen and avoid congestion on the public highways and streets.
- (5) Provide for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- (6) Fix reasonable standards to which buildings and structures shall conform.
- (7) Prohibit uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- (8) Prevent 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.
- (9) Protect 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.
- (10) Prevent 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.
- (11) Conserve the taxable value of land, buildings and structures throughout the township.
- (12) Provide for the completion, extension, substitution or elimination of nonconforming uses.
- (13) Create a board of appeals and defining the powers and duties thereof.
- (14) Designate and define the powers and duties of the official or officials in charge of the administration and enforcement of this chapter.

(15) Provide for the payment of fees for building permits.

(16) Provide penalties for the violation of this chapter.

Sec. 38-20. - Validity and severalty clause.

- (a) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.
- (b) If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provisions to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Sec. 38-21. - Conflict with other laws.

- (a) Where any condition imposed by any provision of this chapter 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 chapter or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- (b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this chapter is more restrictive, or imposes a higher standard or requirement, than such easement, covenant or other private agreement, the provision of this chapter shall govern.

Sec. 38-22. - Period of effectiveness.

This chapter shall remain in full force and effect henceforth unless repealed.

Sec. 38-23. - Effective date.

- (a) This chapter and any subsequent amendments to this chapter or a summary of the regulatory effect thereof shall be published in a newspaper of general circulation in the township within 15 days after adoption by the township board and shall take effect upon the expiration of seven days after publication.
- (b) Proof of all required public hearing notices, notices of ordinance adoption and amendments including effective dates are on file with the township clerk.

(Ord. of 2-2008)

State Law reference— Statutory requirements, MCL 125.3401.

Sec. 38-24. - Savings clause.

A prosecution, whether civil or criminal, which is pending on the effective date of the ordinance from which this chapter is derived and which arose from a violation of an ordinance repealed by this chapter, or a prosecution which is started within one year after the effective date of the ordinance from which this chapter is derived arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of the ordinance from which this chapter is derived, shall be tried and determined exactly if the ordinance had not been repealed.

Secs. 38-25—38-51. - Reserved.

ARTICLE III. - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Sec. 38-52. - Rules applying to text.

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

- (1) The term "shall" is always mandatory and not discretionary. The term "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 indicates the contrary.
- (3) The term "building" includes the term "structure."
- (4) The term "building" or "structure" includes any part thereof.
- (5) The term "person" includes a corporation as well as an individual.
- (6) The term "used" or "occupied," as applied to any land or building, shall be construed to include the terms "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.

Sec. 38-53. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, the use of which is clearly incidental to that of the principal building and is located on the same lot as the principal building. The accessory building is to be devoted exclusively for an accessory use, which is customarily incidental to the main use of the premises. All construction for accessory buildings shall be to standards required by the building code adopted by the township. An accessory building does not include any portable or temporary structure, such as a semi-trailer used for storage.

Accessory use means a use subordinate to the principal use on a lot and used for the purposes clearly incidental to those of the main use.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore adult novelty or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe "specified sexual activities" or "specified anatomical areas;" or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in subsections (1) and (2) of this definition, and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of

an establishment if it comprises ten percent or more of sales volume or occupies ten percent or more of the floor area or visible inventory within the establishment.

Adult cabaret or *adult night club* means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;"
- (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult motel or *adult lodging* means a hotel, motel or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right-of-way that advertises the availability of any of the above;
- (2) Offers a sleeping room for rent for a period of time that is less than 12 hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 12 hours.

Adult motion picture theater means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Agricultural means and includes purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry.

Agricultural building means a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. Such structure shall not include habitable or occupiable spaces or spaces in which agricultural products are processed, treated or packaged; nor shall an agricultural building be a place of occupancy by the general public.

Agri-tourism means land devoted to entertainment or retail purposes and possessing an agricultural or horticultural theme or objective. The facility must be operated by the actual property owner or owners.

Alley means a public or legally-established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and not more than 20 feet wide.

Alterations means 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."

Animal means any live non-human species of mammal, and any species of reptile, amphibian, insect, bird or fish.

- (1) *Domestic animal* means any live animal of a species indigenous to the state and not a wild animal or farm animal, including dogs and cats, and also including birds, non-venomous snakes and lizards, non-venomous insects, rabbits, and fish, kept as household pets.
- (2) *Exotic animal* means any live animal of a species not indigenous to the state and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal, and fish.
- (3) *Farm animal* means any live animal (other than a domestic animal) of species customarily and normally kept as livestock on a farm; and also any other animal other than dogs, cats, exotic animals and wild animals, raised for commercial profit or slaughter.
 - a. *Large farm animals* means cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
 - b. *Small farm animals* means chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size, and fish.
- (4) *Wild animal* means any live animal of a species indigenous to the state and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
- (5) *Livestock* means species of animals used for human food and fiber or those species of animals used for service to humans. The term "livestock" includes, but is not limited to, cattle, sheep, goats, bison, ratites (for example, ostrich) swine, equine, poultry, aquaculture and rabbits. The term "livestock" does not include dogs and cats.

Animal hospital. (See *Kennel.*)

Animal unit means 1,000 pounds live weight or as defined in 25 CFR 161.1.

Animated signs means any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Apartment. (See *Dwelling, multiple-family.*)

Area, net site, means the total area within the property lines of a project excluding external streets.

Automobile/vehicle repair means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

Basement means that portion of a building which is below the first story, the ceiling of which is less than five feet above the surrounding ground elevation at all points.

Bed and breakfast establishment means a residential structure which is occupied by the owner(s), has one or more sleeping rooms available for rent by transient guests or visitors, and in which the owner(s) serves breakfast to the transient guests or visitors.

Billboard means any construction or portion thereof, including the wall of a building, upon which a message or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The term "billboard" does not include any bulletin boards used to display official court or public office notices.

Building means a permanent or temporary structure erected on-site; a pre-manufactured or pre-cut structure above or below the ground that is designed primarily for the shelter, or enclosure of persons, animals or property of any kind.

Building coverage means that percentage of the plot or lot area covered by the building area.

Building height means the vertical distance measured from the established finished 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 roofs. 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 finished grade at the center of the front of the building by more than one inch for each front foot that the building sets back from the front line.

Building permit means a permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this chapter.

Building setback, required, means the minimum measurement from the right-of-way line to the nearest point of the building or structure. Steps may be located within the required building setback. Porches and decks are considered as part of the building or structure and may not be located within the building setback.

Campground means a parcel or tract of land on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the temporary use by five or more recreational vehicles or tents.

Child care center or day care center means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" or "day care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" or "day care center" does not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- (2) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
- (3) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- (4) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Church means 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.

Club, lodge or country club, private, means a non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

Conditional use means a use which is subject to conditional review by the planning commission and approval by the township board. A conditional use may be granted when specified by this chapter and for those uses not specifically mentioned. A permitted conditional use is not considered to be a nonconforming use.

Condominium subdivisions means a plan or project consisting of two or more site condominium units established in compliance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as used in reference to a "site condominium subdivision" as required in article XIX of this chapter.

Contractor establishment means a place of business for a person or firm undertaking to do work or to supply goods to the general public by contractual agreement. The term "contractor" means, but is not limited to, individuals or companies furnishing electrical, mechanical, plumbing, building, well drilling, excavation and lawn care services.

Corridor (M-66) means the section of M-66 between the township's north and south boundaries.

Court means 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 building.

Court, outer, means a court enclosed on not more than three sides by exterior walls of a building, or by external walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

District means 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 chapter.

Drive-in/drive-thru means an establishment which accommodates the patrons' automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed in the vehicle, on the same premises.

Driveway means a portion of yard space intended for vehicular ingress and egress for a lot or parcel of land.

Dwelling unit means a room, or rooms connected together, constituting a separate, independent housekeeping establishment for one-family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this chapter for dwellings.

Dwelling, multiple-family, means a building containing three or more separate dwelling units designed for residential use, as permitted in article IX of this chapter.

Dwelling, one-family, means a building containing one dwelling unit designed for residential use, as permitted in section 38-418.

Dwelling, two-family, means a building containing two separate dwelling units designed for residential use, as permitted in section 38-418.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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, communication, 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, reasonably necessary for the furnishing or adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Essential services buildings means gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures.

Family means 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 a 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. The term "family" does not include the occupants of a roominghouse or boardinghouse as a family unit.

Family childcare home means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. The term "family child care home" does not include an individual providing babysitting services for another individual.

(Ord. of 2-2008)

Farm means all of the contiguous neighboring or associated land operated as a single unit on which bona fide 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 considered a farm hereunder shall include a continuous parcel of ten acres or more in area. The term "farm" may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur bearing animals or game, or operating fish hatcheries, stone quarries, or gravel, dirt or sand pits shall not be considered farms.

Farm dwelling means any single-family dwelling located on an active farm serving as the principal residence for the persons primarily engaged in operating the principal agricultural use of the said farm.

Floodplain means that portion of land adjacent to a waterbody or watercourse which is subject to periodic inundation.

Floor area means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include the area of any floor when more than one-half of the room height is above the established curb level, or above the finished lot grade level when curb levels have not been established. The term "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 feet, six inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading is not included in the term "floor area."

Frontage means all the property fronting one 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.

Future land use plan means the statement of policy by the township planning commission relative to the agreed upon desirable physical pattern of future community development. Such plan 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 the very best community living conditions.

Garage, commercial, means 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 equipping of automobiles or other motor vehicles.

Garage, private, means an accessory building not over one story or 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.

Gasoline/vehicle service station means any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuel, 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.

Golf course means an area of land designed for the game of golf, which may include a clubhouse/pro shop providing locker facilities and the sale of food/beverages and golf-related merchandise.

Grade means 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.

Greenhouse means a permanent and/or temporary structure designed and operated specifically for the growing of plants, which may include accessory sales.

Group child care home means a private home in which more than six but fewer than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group child care home" includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(Ord. of 2-2008)

Group housing means two or more dwellings on a parcel of land under single ownership.

Gun club means any club, organization, individual, group of individuals, or use, whether operated for profit or not, which caters to or allows the use of firearms.

Highway. (See *Street, major.*)

Home occupation means any activity including, but not limited to, instruction in a craft or fine art, which generates traffic, noise or odor which is carried out for gain (profit) by a resident conducted as an accessory use in the resident's dwelling unit and clearly subordinate to the residential use.

(Ord. of 2-2008)

Hospital means an institution providing health services primarily for in-patient, 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.

Hotel or motel means a building containing primarily rooming units with the number of dwelling units being not greater than ten percent of the total number of rooming units, and with the exception of the unit occupied by the management staff, used for the accommodation of transients.

Industrial park means 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.

Intensive livestock operation means any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys, ducks, or other livestock in concentrations equal to or greater than shown in the table below. Intensive livestock operations include any buildings, structures, excavations, or enclosed areas directly involved in such farm or farm operations, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to or associated with such operations. See also the provisions of applicable generally accepted agricultural management practices (GAAMPs), especially GAAMPs for site selection and odor control for new and expanding livestock production facilities adopted January 2017, as may be amended from time to time.

Animal	Concentration
Dairy cattle	350
Slaughter or feeder cattle	500
Swine ¹	1,250
Horses	250
Sheep or lambs	5,000
Turkeys	27,500
Laying hens or broilers (with continuous overflow watering)	50,000
Laying hens or broilers (with a liquid manure system)	15,000
Ducks	2,500

¹ Weighing over 55 pounds.

Intensive livestock operations shall also include an operation where live animals or poultry are concentrated or restricted to an area more limited than to natural feeding habitats and containing a population per acre of at least three dairy cattle, four slaughter or feeder cattle, ten swine (55 pounds or more), 400 laying hens or broilers, 40 sheep or lambs, 200 turkeys, two horses, or a combination of the above equal to or exceeding four animal units per acre. For the purpose of this section, one animal unit shall be equivalent to approximately 1,000 pounds of live body weight.

(Ord. No. 2017-10-01, § 1, 10-17-2017)

Junkyard means any land or building where waste, used or secondhand 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. The term "junkyard" includes automobile wrecking yards and includes any area of more than 50 feet square for

storage, keeping or abandonment of junk. The term "junkyard" does not include uses established entirely within enclosed buildings.

kennel means any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.

Large solar energy system means a utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery, or consumption of the generated energy with a capacity greater than one megawatt (MW).

Living space means 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 centerline of walls separating two buildings, from the centerlines of interior walls, and excluding porches, garages, and breezeways not usable yearround.

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

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one principal building together with its accessory buildings, and providing the open spaces, together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this chapter. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this chapter shall be deemed one parcel or lot if title to the property is held under one deed.

Lot area means the total horizontal area within the lot lines of a lot.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purpose of this chapter if the arc is of less radius than 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 135 degrees.

Lot coverage means that part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein:

Front lot line means the exterior line or right-of-way of a road on which a lot fronts or abuts. 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. In the case of lots bordering on a lake, river or canal, the established water or shore line shall be designated as the front of such lots.

Rear lot line means the lot line opposite the front lot line. In the case of the 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 feet long lying farthest from the front lot line and wholly within the lot.

Side lot lines means any lot lines other than the front lot line or the rear lot line.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot width means the horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum front yard setback line.

(Ord. of 11-18-2008)

Manufactured home means a residential structure assembled in a factory and moved to a site, in contrast to a structure that is constructed on the site.

Manufactured housing community means a parcel or tract of land, under the control of a person or corporation upon which one or more manufactured home is located on a continual non-recreational basis for the purposes of supplying the location or accommodation for manufactured homes and accessory uses and shall include all buildings used or intended to be used as part thereof, but not including sales of unoccupied homes situated upon lots intended to be moved from the site and includes that which is so defined by Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Mineral extraction and processing means the removal, processing, loading and/or transporting of topsoil, sand, gravel, or other such minerals on, to or from a lot, tract or parcel of land, for commercial purposes in excess of 1,000 cubic yards per year. The term "mineral extraction and processing" also includes any maintenance performed on any machinery or equipment used in such removal, processing and/or transporting.

Mobile home means a structure transportable in one or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle (Public Act No. 96 of 1987 (MCL 125.2301 et seq.)). All mobile homes shall be in compliance with all state and federal laws including 24 CFR, and U.S. Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended, and regulations pertaining to mobile homes as well as local and state plumbing and fire codes. A permanent foundation is required on mobile homes outside of a mobile home park.

Modular housing unit means 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.

Nonconforming building means a building or portion thereof existing at the effective date of this the ordinance from which this chapter is derived, 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.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.

Nude model studio means any place where a person who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the state.

Nudity or a state of nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman breastfeeding a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

(2) Material as defined in section 2 of Public Act No 343 of 1984 (MCL 752.362).

(3) Sexually explicit visual material as defined in section 3 of Public Act No. 33 of 1978 (MCL 722.673).

Nursery establishments means any land used to raise trees, shrubs, flowers and other plants for sale on or off the premises or for transplanting.

Nursing or convalescent home means a structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

Off-street parking lot means 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 automobiles.

Offset means a short distance measured perpendicularly from the main line in surveying, used to help in calculating the area of an irregular plot.

Open space means any space suitable for recreation, gardens or household service activities such as clothes drying. Such space must be at least 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.

Outdoor wood-fired boiler, also known as an outdoor wood-fired furnace, outdoor wood burning appliance, or a hydronic heater means a fuel burning device that is designed to burn wood or other solid fuels that is not located within the building it is intended to provide heat to and which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Parking space means a land area of not less than ten by 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.

Planned unit residential development means a tract of land which includes two 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.

Portable building/structure means any building or structure less than 120 square feet on a permanent foundation and meeting current township building code.

Pre-manufactured home means a residential structure assembled in a factory and moved to a site, in contrast to a structure that is constructed on the site.

Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

Public or institutional uses means churches; accredited public, parochial, or private schools; trade schools or colleges; hospitals and nursing homes; parks and nonprofit recreational uses; libraries; government-owned buildings; cemeteries; and fire stations or similar uses providing service necessary to the community.

Public park means 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.

Public place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element. A public place shall also mean a business or an

educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public sewer system means 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 regulator 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 for the benefit of the general public in a given area whether owned by a public, semipublic or private entity.

(Ord. of 11-18-2008)

Public utility means any person, firm, or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Recreation area, private, means all lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Recreational vehicle means camp trailers, fifth-wheel travel trailers, trailer coaches, boats and/or boat trailers, trailers used for the transport of equipment, vehicles or animals, folding camping trailers, motor vehicles, motor homes, travel trailers, van conversions or "pop up" vans or any similar vehicle designed to be used for human habitation.

(Ord. of 11-16-2010)

Retail and retail store means any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-way means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Road. (See *Street.*)

Road frontage means the length of the property line of lot, lots or tract of land abutting a public road, or along a private road which is the sole means of ingress and egress for two or more properties under separate ownership.

Roadside stand means a temporary or permanent structure under 400 square feet in size that is used seasonally for the sale of agricultural products produced on the same premises.

Rooming unit means any room or group of rooms forming a single habitable unit used for living and sleeping at which does not contain cooking or eating facilities.

Roominghouse means a building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Rowhouse (townhouse) means an attached house in a row or group, each house containing not more than two dwelling units and each house separated from adjoining houses in the same row or group by common firewalls or fire separations.

Salvage yards. (See *Junkyard.*)

Sanitary landfill means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary; and maintained in accordance with part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).

School means a building used for the purpose of elementary or secondary education which meets all requirements of compulsory education laws of the state, and not providing residential accommodations.

Self-storage/mini-storage means groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer goods or wares.

Setback from road right-of-way means the minimum required horizontal distance between the road right-of-way, 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.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually oriented business means a business or commercial enterprise engaging in any of the following:

- (1) Adult arcade;
- (2) Adult bookstore or adult video store;
- (3) Adult cabaret;
- (4) Adult motel;
- (5) Adult motion picture theater;
- (6) Adult theater;
- (7) Escort agency;
- (8) Nude model studio; and
- (9) Sexual encounter center.

Shopping center means 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.

Signs means any words, numbers, figures, devices, designs, or trademarks visible from the exterior of the structure by which anything is made known, such as are used to show a business, service, or entertainment.

Identification sign means any structure on the same premises it identifies that serves only to:

- a. Tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution;
- b. Tell the name or address of a multifamily development, subdivision or manufactured housing park; or
- c. Inform the public as to the use of a parking area.

Nameplate means a structure affixed flat against the wall of a building that serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

Real estate sign means any temporary structure used only to advertise with pertinent information on the sale, rental or leasing of the premises upon which it is located.

Site plan means and includes the documents and drawings required by this chapter to ensure that a proposed land use or activity is in compliance with this chapter and state and federal statutes.

(Ord. of 2-2008)

Solar array means an arrangement of any number of photovoltaic devices connected to provide a single output of electric energy or other energy.

Special meeting means any meeting called by the chairperson of the planning commission or at the written request of two members of the planning commission not on a regularly scheduled meeting date.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttock, anus and female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Stables means a structure, building or land used for the keeping, care and raising of horses.

Commercial stable means any lot or parcel where horses are kept for training, riding, stabling or breeding for compensation.

Private stable means any lot or parcel where horses are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer individuals under 24-hour supervision or care.

(Ord. of 2-2008)

Story means that part of a building included 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.

Street and/or road, private, means an irrevocable easement that provides access and is not dedicated for general public use. The term "private street" or "road" also means any roadway intended to be dedicated as public after completion.

(Ord. of 2-2008)

Street and/or road, public, means a thoroughfare which affords the principal means of access to abutting property. The term "street" includes the full width of the right-of-way or easement used to create the street.

Street, major, means 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.

Street, minor, means a public way, the principal use of which is to give access to abutting properties.

Structural alteration means the erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

Structure means anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Temporary building or use means a structure or use permitted by the township board to exist during periods of construction of the main building or use, or for special events.

Towers (including commercial communication towers) means a structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure, and that may be fully walled in or of a skeleton framework.

Trailer coach means and includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine feet or less in width and 35 feet or less in length, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles. The term "trailer coach" does not include a utility trailer which is used for hauling of goods and debris.

Undevelopable land means land which has soil types or a high water table condition which present severe limitations on septic tank and tile fields.

Usable floor area means the area for the purpose of computing parking and off-street loading and unloading space, or intended to be used for the sale or 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.

Use means the purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is occupied or maintained, let or leased.

Variance means a modification of the literal provisions of this chapter 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.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle sales lot means any parcel where five or more vehicles per year are displayed for sale or rental or any parcel where a vehicle is displayed for sale for more than six consecutive months. Any parcel where less than five vehicles per year are displayed for sale or rental, a maximum of two vehicles can be displayed at any one time.

Veterinary clinic. (See *Kennel.*)

Water supply system means and includes all plants, work, instrumentalities and properties used or useful in connection with obtaining a water supply, the treatment of water and the distribution of water. (Ord. of 11-18-2008)

Width means the minimum required measurement between side lot lines as measured at the required front building setback line.

Yard means an open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

Front yard means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the road right-of-way line and the nearest line of the main building.

Rear yard means 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 means 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, or right-of-way line in the event of a corner lot to the nearest point of the main building.

Zoning administrator means the person designated by the township board to fill the duties as specified in section 38-762. The zoning administrator and/or building inspector shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the township.

Zoning district. (See *District.*)

(Ord. No. 2017-10-01, § 1, 10-17-2017; Ord. No. 2018-12-02, § 1, 12-18-2018; Ord. No. 2019-03-01, §§ 1, 2, 3-19-2019)

Secs. 38-54—38-79. - Reserved.

ARTICLE IV. - GENERAL PROVISIONS

Sec. 38-80. - 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 a part of this article:

AA—Agricultural District.

HC—Highway Commercial District.

HDR—High Density Residential District.

IND—Industrial District.

LDR—Low Density Residential.

MDR—Medium Density Residential District.

NC—Neighborhood Commercial District.

OSC—Open Space and Waterbody Conservation District.

RR—Rural Residential District.

Sec. 38-81. - Provision for official zoning map.

These districts, so established, are bounded and defined as shown on the map entitled "Zoning District Map of Leroy 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 article and of the same force and effect as if the districts shown thereon were fully set forth by metes and bounds herein.

Sec. 38-82. - Changes to official zoning map.

If, in accordance with the procedures of this article and of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), 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. No change of any other nature shall be made unless authorized by the zoning board of appeals or circuit court.

(Ord. of 2-2008)

Sec. 38-83. - 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 office of the zoning administrator shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the township.

Sec. 38-84. - Replacement of official zoning map.

- (a) 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 Leroy Township", adopted on the 19th day of October, 1999, as amended, and that this map replaces and supersedes the Official Zoning Map which was first adopted on October 20, 1998, and last amended on _____."
- (b) The supervisor, prior to signature, shall enter the date of the last amendment as indicated and shall include the date of the supervisor's signature.

(Ord. of 3-2012)

Sec. 38-85. - 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:

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

- (4) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change of shoreline shall be construed as following the actual shoreline.
- (5) 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.
- (6) A boundary indicated as parallel to or an extension of a feature indicated in subsections (1) through (5) of this section shall be so construed.
- (7) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

Sec. 38-86. - Application of regulations.

The regulations established by this article 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 buildings, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, the board of appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this article so that the intent and purposes of this article shall be observed, public safety secured and substantial justice done.

Secs. 38-87—38-115. - Reserved.

ARTICLE V. - AA—AGRICULTURAL DISTRICT

Footnotes:

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State Law reference— *Michigan Right to Farm Act, MCL 286.471 et seq.*

Sec. 38-116. - Purpose.

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the township, and to ensure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and that are most appropriate for present and future agricultural production. 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, thus disrupting the agricultural resources, environment and economy. Limited residential development may be permitted but shall be encouraged to locate in areas that are not productive agricultural land.

Sec. 38-117. - Permitted uses.

The following uses of land and buildings are permitted by right within the AA district:

- (1) Dwellings, one-family. (See section 38-418.)

(Ord. of 2-2008)

- (2) Family and group day care homes.
- (3) State-licensed residential facilities.
- (4) Raising or growing of crops, orchards, vineyards, tree farms and apiaries.

- (5) Keeping of livestock, poultry and other farm animals, provided the area to be used for pasture and shelter meet the requirements of article XX of this chapter.
- (6) Greenhouses with no on-site sales.
- (7) Nurseries with no on-site sales.
- (8) Private stables with no on-site sales.
- (9) Roadside stands.
- (10) Signs, as permitted in article XXII of this chapter.
- (11) An accessory use, building or structure. (See sections 38-416 and 38-419.)
- (12) Essential services.
- (13) Essential service buildings, except as in section 38-474.
- (14) Urban livestock as described in section 38-612.

(Ord. No. 2018-12-02, § 5, 12-18-2018)

Sec. 38-118. - Conditional uses.

The following uses of land and buildings may be permitted upon obtaining a conditional use permit as provided in article XVI of this chapter:

- (1) Campgrounds including, but not limited to, seasonal tent and travel trailer campgrounds. (See section 38-481.)
- (2) Communication towers. (See section 38-483.)
- (3) Commercial telecommunication towers. (See section 38-488.)
- (4) Commercial stable with on-site sales. (See section 38-485.)
- (5) Golf course and country clubs. (See sections 38-479 and 38-481.)
- (6) Greenhouses with on-site sales. (See section 38-475.)
- (7) Nurseries with on-site sales.
- (8) Home occupations. (See section 38-476.)
- (9) Mineral extraction and processing. (See section 38-487.)
- (10) Public or institutional uses. (See section 38-486.)
- (11) Veterinary and animal clinics. (See section 38-485.)
- (12) Gun club/trap shooting/game/hunting preserve. (See section 38-479.)
- (13) Kennels. (See section 38-478.)
- (14) Mobile homes and trailer coaches permitted in emergency situations. (See section 38-483.)
- (15) Temporary trailer office.
- (16) Keeping of species not specifically mentioned in article XX of this chapter.
- (17) Agri-tourism facilities subject to the requirements of section 38-467.
- (18) Bed and breakfast establishments subject to the requirements of section 38-467.
- (19) Large solar energy systems (see section 38-492).

(Ord. No. 2018-12-02, § 2, 12-18-2018)

Sec. 38-119. - Parking requirements.

All uses permitted in this district shall meet the off-street parking requirements of article XXIII of this chapter.

Sec. 38-120. - Height and area regulations.

All principal buildings permitted within this district shall meet all of the following regulations:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
3 acres	300 feet	4 x width	100 feet	50 feet	50 feet	—	40 feet *	20%	960
							25 feet **		
* Excluding agricultural buildings ** Detached accessory buildings									

- (1) No building or structure shall be established in this district on any lot less than three acres.
- (2) The minimum lot width shall be 300 feet.
- (3) The maximum lot coverage shall not exceed 20 percent.
- (4) Yard setback requirements.
 - a. Front yard: Not less than 100 feet.
 - b. Side yards: Least width of either yard shall not be less than 50 feet.
 - c. Rear yard: Not less than 50 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building.

- (5) Height.
 - a. For buildings and structures: No building and no structure shall exceed a height of three stories or 40 feet.
 - b. For detached accessory buildings: No detached accessory building shall exceed a height of 25 feet.
 Agricultural buildings are excluded from the 40-foot height limit. (See section 38-426.)
- (6) Required off-street parking. As required in article XXIII of this chapter.
- (7) Dwelling units must comply with section 38-418.

Sec. 38-121. - Lot depth.

The depth of all newly created lots shall not exceed four times the lot width, as measured at the required building setback.

Sec. 38-122. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-123—38-142. - Reserved.

ARTICLE VI. - RR—RURAL RESIDENTIAL DISTRICT

Sec. 38-143. - Purpose.

The purpose of this district is to provide areas for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid wastewater disposal, since the 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 rural character of these areas in order to promote and encourage suitable environments for rural residential dwellings 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.

Sec. 38-144. - Permitted uses.

The following uses of land and buildings are permitted by right within the "RR" district:

- (1) Dwellings, one- and two-family. (See section 38-418.)
- (2) Raising or growing of crops, orchards, vineyards, tree farms and apiaries.
- (3) Keeping of livestock, poultry and other farm animals, provided the area to be used for pasture and shelter meet the requirements of article XX of this chapter.
- (4) Greenhouses with no on-site sales.
- (5) Nurseries with no on-site sales.
- (6) Private stables with no on-site sales.
- (7) Roadside stands.
- (8) Signs, as permitted in article XXII of this chapter.
- (9) Accessory use, buildings or structures. (See sections 38-416 and 38-419.)
- (10) Essential services.
- (11) Essential service buildings, except as provided in section 38-474.
- (12) State licensed residential facility and family day care homes excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities and group day care homes.

(Ord. of 2-2008)

- (13) Urban livestock as described in section 38-612.

(Ord. No. 2018-12-02, § 6, 12-18-2018)

Sec. 38-145. - Conditional uses.

The following uses of land and buildings may be permitted upon obtaining a conditional use permit as provided article XVI of this chapter:

- (1) Group child care homes. (See section 38-490.)
- (2) Campgrounds including, but not limited to, seasonal tent and travel trailer campgrounds.(See section 38-481.)
- (3) Golf course and country clubs. (See sections 38-479 and 38-481.)
- (4) Greenhouses with on-site sales. (See section 38-475.)
- (5) Nurseries with on-site sales.
- (6) Home occupations as described by section 38-476.
- (7) Commercial stables with on-site sales. (See section 38-485.)
- (8) Public or institutional uses. (See section 38-486.)
- (9) Planned unit residential developments (PURDs). (See section 38-471.)
- (10) Veterinary and animal clinics. (See section 38-485.)
- (11) Kennels. (See section 38-478.)
- (12) Mobile homes and trailer coaches permitted in emergency situations. (See section 38-483.)
- (13) Temporary trailer office.
- (14) Keeping of species not specifically mentioned in article XX of this chapter.
- (15) Bed and breakfast establishments subject to the requirements of section 38-467.

(Ord. No. 2018-12-02, § 3, 12-18-2018; Ord. No. 2019-03-01, § 3, 3-19-2019)

Sec. 38-146. - Parking requirements.

All uses permitted in this district shall meet the off-street parking requirements of article XXIII of this chapter.

Sec. 38-147. - Height and area regulations.

All principal buildings permitted within this district shall meet all of the following regulations:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
1 acre *	175 feet	4 x width	50 feet	30 feet	50 feet	—	35 feet **	20%	960
							25 feet ***		

* One acre unless open space preservation option is used. (See article XIV of this chapter)

** Excluding agricultural buildings

*** Detached accessory buildings

- (1) No building or structure shall be established in this district on any lot less than one acre unless open space preservation option is used. See article XIV of this chapter.

(Ord. of 2-2008)

- (2) The minimum lot width shall be 175 feet.
- (3) The maximum lot coverage shall not exceed 20 percent.
- (4) Yard setback requirements.
- a. Front yard: Not less than 50 feet.
 - b. Side yards: Least width of either yard shall not be less than 30 feet.
 - c. Rear yard: Not less than 50 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building.

- (5) Height. (See section 38-426.)
- a. For buildings and structures: No building and no structure shall exceed a height of 2½ stories or 35 feet.
 - b. For detached accessory buildings: No detached accessory building shall exceed a height of 25 feet.
- (6) Required off-street parking as required in article XXIII of this chapter.
- (7) Dwelling units must comply with section 38-418.

Sec. 38-148. - Lot depth.

The depth of all newly created lots shall not exceed four times the lot width, as measured at the building setback.

Sec. 38-149. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-150—38-166. - Reserved.

ARTICLE VII. - LDR—LOW DENSITY RESIDENTIAL DISTRICT

Sec. 38-167. - Purpose.

The purpose of this district is to provide areas 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 the 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 these 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.

Sec. 38-168. - Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted by right within the LDR district:

- (1) Dwellings, one- and two-family. (See section 38-418.)
- (2) Keeping of livestock, poultry and other farm animals provided the area to be used for pasture and shelter meet the requirements of article XX of this chapter.
- (3) A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock, including nursery and greenhouses with on-site sales.
- (4) A sign, only in accordance with the regulations specified in article XXII of this chapter.
- (5) Essential services.
- (6) Essential service buildings except as provided in section 38-474.
- (7) Accessory use, building or structure. (See sections 38-416 and 38-419.)
- (8) State licensed residential facility and family day care homes excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities and group day care homes.

(Ord. of 2-2008)

- (9) Urban livestock as described in section 38-612.

(Ord. No. 2018-12-02, § 7, 12-18-2018)

Sec. 38-169. - 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 XVI of this chapter; site plan review as required in section 38-524; and supplemental regulations as provided in article XV of this chapter:

- (1) Group child care homes. (See section 38-490.)
- (2) Golf courses, which may include a golf driving range, country club, public swimming pool, swimming and recreation club, public and private park and playground. (See section 38-481.)
- (3) Churches and public buildings.
- (4) Public and private nursery, primary and secondary school.
- (5) Home occupations as prescribed by section 38-476.
- (6) Mobile homes and trailer coaches permitted in emergency situations. (See section 38-483.)
- (7) Roadside stands for the display and sale of products raised on the lot parcel, provided that off-street parking and access to such parking shall be provided in accordance with the provisions of article XXIII of this chapter and no hazardous traffic conditions shall result from such activity; such buildings and structures shall be located in conformance with all minimum yard requirements and no more than one such roadside stand shall be permitted on each lot or parcel.
- (8) A planned unit residential development. (See section 38-471.)
- (9) Commercial stables (four or more horses or ponies constitute a stable). (See section 38-485.)
- (10) Temporary trailer office.
- (11) Keeping of species not specifically mentioned in article XX of this chapter.

(Ord. No. 2019-03-01, § 4, 3-19-2019)

Sec. 38-170. - Height and area regulations.

The following regulations shall apply in all LDR—Low Density Residential Districts:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
30,000	150 feet	4 x width	50 feet	30 feet	50 feet	—	35 feet **	20%	960
SF *									
* 30,000 square feet unless open space preservation option is used. (See article XIV of this chapter) ** Detached accessory buildings maximum 25 feet in height									

(1) No building or structure shall be established in this district on any lot less than 30,000 square feet unless open space preservation option is used. See article XIV of this chapter.

(Ord. of 2-2008)

- (2) The minimum lot width shall be 150 feet.
- (3) The maximum lot coverage shall not exceed 20 percent.
- (4) Yard setback requirements.
 - a. Front yard: Not less than 50 feet.
 - b. Side yards: Least width of either yard shall not be less than 30 feet.
 - c. Rear yard: Not less than 50 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building.

- (5) Height. (See section 38-426.)
 - a. For buildings and structures: No building and no structure shall exceed a height of 2½ stories or 35 feet.
 - b. For detached accessory buildings: No detached accessory building shall exceed a height of 25 feet.
- (6) Required off-street parking. As required in article XXIII of this chapter.
- (7) Dwelling units must comply with section 38-418.

Sec. 38-171. - Lot depth.

The depth of all newly created lots shall not exceed four times the lot width, as measured at the required building setback.

Sec. 38-172. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-173—38-197. - Reserved.

ARTICLE VIII. - MDR—MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 38-198. - Purpose.

The purpose of this district is to provide a stable environment for medium 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.

Sec. 38-199. - Permitted uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted by right within the MDR district:

- (1) Dwellings, one- and two-family. (See section 38-418.)
- (2) An accessory use, building or structure. (See sections 38-416 and 38-419.)
- (3) A sign, only in accordance with the regulations specified in article XXII of this chapter.
- (4) Essential services.
- (5) Essential service buildings except as provided in section 38-474.
- (6) State licensed residential facility and family day care homes excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities and group day care homes.

(Ord. of 2-2008)

- (7) Urban livestock as described in section 38-612.

(Ord. No. 2018-12-02, § 8, 12-18-2018)

Sec. 38-200. - 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 XVI of this chapter:

- (1) Group child care homes. (See section 38-490.)
- (2) Golf courses. (See section 38-481.)
- (3) Country club, public swimming pool, recreation club, private and public park and playground. (See section 38-479.)
- (4) Church and public buildings.
- (5) Public and private nursery, primary and secondary school.
- (6) Home occupation as prescribed in section 38-476.
- (7) A planned unit residential development. (See section 38-471.)
- (8) Mobile homes and trailer coaches permitted in emergency situations. (See section 38-483.)
- (9) Temporary trailer office.

(Ord. No. 2019-03-01, § 5, 3-19-2019)

Sec. 38-201. - Height and area regulations.

The following regulations shall apply in all MDR—Medium Density Residential Districts:

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
<i>One-family</i>									
15,000 SF	90 feet ^a	4 x width	25 feet	8 feet	30 feet	25 feet	35 feet ^{**}	30%	960
10,000 SF	70 feet ^b								

* 15,000 square feet or 10,000 square feet unless open space preservation option is used. (See article XIV of this chapter.)

** Detached accessory building 25 feet.

^a Without public sewer system and water supply system. (Ord. of 11-18-2008)

^b With both public sewer system and water supply system. (Ord. of 11-18-2008)

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
<i>Two-family</i>									
35,000 SF	90 feet ^a	4 x width	25 feet	8 feet	30 feet	25 feet	35 feet ^{**}	30%	960
15,000 SF	70 feet ^b								

* 30,000 square feet or 15,000 square feet unless open space preservation option is used. (See article XIV of this chapter)

** Detached accessory building 25 feet.

^a Without public sewer system and water supply system. (Ord. of 11-18-2008)

^b With both public sewer system and water supply system. (Ord. of 11-18-2008)

All others: Two acres.

(1) *Lot area.* Where a lot is served with a public sewer system and a water supply system, there shall be provided a

minimum of 10,000 square feet of lot area for each single-family dwelling unit and 15,000 square feet of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of 15,000 square feet of lot area for each single-family dwelling unit and 30,000 square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two acres. These minimum lot area requirements are subject to the open space preservation exceptions described in article XIV of this chapter which allow for development at a greater density than described above, provided that a percentage of the land area as specified in that article remains perpetually in an undeveloped state.

(Ord. of 2-2008; Ord. of 11-18-2008)

- (2) *Lot width.* The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be 70 feet. Where a lot is not so served, the minimum lot width shall be 90 feet.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 30 percent.
- (4) *Yard setback requirements.*
 - a. Front yard: Not less than 25 feet.
 - b. Side yards: The least width of either yard shall not be less than eight feet, but the sum of the two side yards shall not be less than 20 feet; except in the case where the side yard on the road or street side shall not be less than 25 feet.
 - c. Rear yard: Not less than 30 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building,
- (5) *Height.* (See section 38-426.)
 - a. For buildings and structures: No building and no structure shall exceed a height of 2½ stories, but not exceeding 35 feet.
 - b. For detached accessory buildings: No detached accessory building shall exceed a height of 25 feet.
- (6) *Required off-street parking.* As required under article XXIII of this chapter.
- (7) *Dwellings units.* Must comply with section 38-418.

Sec. 38-202. - Lot depth.

The depth of all newly created lots shall not exceed four times the width, as measured at the required building setback.

Sec. 38-203. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-204—38-229. - Reserved.

ARTICLE IX. - HDR—HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 38-230. - Purpose.

The purpose of this district is to provide for various types of multiple-family residential uses, dwellings and group developments of a high density, but under specific density control. The requirements of this district are intended to recognize that various forms of site developments 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 streets, 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, urban facilities and services, and particularly fire protection systems. Provisions are made to accommodate multiple dwellings in areas of transitional development on larger lots than is required where 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 future. There is no intent to promote by these regulations, a district of lower quality of desirability than any other residential district; although a greater variety of dwelling types are permitted herein.

Sec. 38-231. - Permitted uses.

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted by right within the HDR district:

- (1) Multiple dwellings. (See article III of this chapter, Definitions— *Dwelling, multiple-family.*)
- (2) Two-family dwellings. (See article III of this chapter, Definitions— *Dwelling, two-family.*)
- (3) Manufactured housing park.
- (4) Public and private parks, playgrounds and playfields.
- (5) Accessory use, buildings or structures. (See section 38-416.)
- (6) Essential services.
- (7) Essential service buildings except as provided in section 38-474.
- (8) State licensed residential facility and family day care homes excluding adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional facilities and group day care homes.

(Ord. of 2-2008)

Sec. 38-232. - 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 XVI of this chapter:

- (1) Group child care homes. (See section 38-490.)
- (2) A planned unit residential development. (See section 38-471.)

Sec. 38-233. - Height and area regulations.

- (a) The following regulations shall apply in the HDR—High Density Residential Districts without a public sewer system, a water supply system or on-site sewer and water system.

(Ord. of 11-18-2008)

Minimum	Minimum	Maximum	Minimum Yard Setbacks	Maximum	Maximum	Minimum

Lot Area	Lot Width	Lot Depth	Minimum Yard Setbacks				Building Height	% Bldg Coverage	1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
1 acre	300 feet *	4 x width	35 feet	20 feet	35 feet	25 feet	35 feet **	35%	600

* Except as provided in section 38-235

** Detached accessory buildings 15 feet

(b) The following regulations shall apply in the HDR—High Density Residential Districts with a public sewer system, a water supply system or on-site sewer and water system:

(Ord. of 11-18-2008)

Minimum Lot Area	Minimum Lot Width	Maximum Lot Depth	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage	Minimum 1st Floor Area/SF
			<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>			
30,000 SF	100 feet *	4 x width	20 feet	8 feet	20 feet	20 feet	35 feet **	35%	600

* Except as provided in section 38-235

** Detached accessory buildings 15 feet

Sec. 38-234. - Minimum lot areas.

In the HDR—High Density 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 as follows, unless otherwise provided herein:

- (1) One acre for the first dwelling unit of each multiple-family dwelling structure.
- (2) Three thousand square feet for each additional dwelling unit containing two or more bedrooms.
- (3) Two thousand square feet for each additional dwelling unit containing less than two bedrooms.

Sec. 38-235. - Minimum lot width.

Lots shall have a minimum width of 300 feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, a lesser frontage width of the street line may be permitted, provided that in no case shall the frontage width be less than 100 feet nor shall the lot width at the building line be less than 100 feet, if served with municipal water and sewer.

Sec. 38-236. - Lot depth.

The depth of all newly created lots shall not exceed four times the lot width, as measured at the required building setback.

Sec. 38-237. - Maximum lot coverage.

All buildings, including accessory buildings, shall not cover more than 35 percent of the net area of land. In determining net area, the area used for private access drives shall not be included, but parking areas shall be.

Sec. 38-238. - Minimum yard setback requirements.

- (a) *Front yard.* There shall be a front yard having a depth of no less than 35 feet.
- (b) *Side yards.* There shall be a minimum side yard of 20 feet, provided that no building shall be located less than 40 feet from the boundary of the 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.
- (c) *Rear yard.* There shall be a rear yard of no less than 35 feet. No building or structure shall exceed 35 feet in height. Accessory buildings shall not exceed 15 feet in height. (See section 38-426.)

Sec. 38-239. - Minimum interior living space.

The minimum square footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:

- (1) *Two-family dwellings.* The minimum square footage of living space shall include 600 square feet of floor area at ground level per family or single-story dwellings, and 360 square feet of floor area at ground level per family for dwellings over one story in height, provided that the total area shall be no less than 600 square feet per family.
- (2) *Multiple-family dwellings of three or more dwelling units.* The minimum square footage of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements and exclusive of closets, halls and offset entrances:

Number of Bedrooms	Square Feet of Floor Area
0 bedrooms	350 square feet
1 bedroom	450 square feet
2 bedrooms	600 square feet
3 bedrooms	800 square feet
4 bedrooms	1,000 square feet

Sec. 38-240. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-241—38-258. - Reserved.

ARTICLE X. - NC—NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 38-259. - Purpose.

It is the purpose of this district to provide for convenient retail and personal service establishments that cater to the day-to-day needs of families residing within immediately accessible neighborhoods. To this end, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded. It is the basic intent of this district to encourage future commercial development within planned centers rather than in scattered locations throughout the residential areas, but also to provide for those necessary services which are most appropriately and conveniently located in close proximity to residential neighborhoods.

Sec. 38-260. - Permitted uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted by right within the NC district:

- (1) Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- (2) Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, but not including any business of a drive-thru nature.
- (3) Personal services, including barbershop and beauty salon, medical and dental clinics, music studios, banks and savings and loan associations.
- (4) Retail services, including drug stores, hardware, gift shop and dry goods, notions store and auto parts store.
- (5) A sign, only in accordance with the regulations specified in article XXII of this chapter.
- (6) Accessory use, buildings or structures. (See sections 38-416 and 38-419.)
- (7) Essential services.
- (8) Essential service buildings except as provided in section 38-474.
- (9) Animal hospitals, clinics and kennels.

Sec. 38-261. - 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 XVI of this chapter:

- (1) Drive-thru retail and service establishments; excluding drive in establishments.
- (2) Gasoline service stations.
- (3) Planned neighborhood shopping centers. (See section 38-472.)
- (4) Temporary trailer offices.
- (5) Self-storage/mini-storage. (See section 38-477.)
- (6) Vehicle repair and sales.
- (7) Contractor establishment.

- (8) Commercial day care center.
- (9) Group child care homes. (See section 38-490.)

Sec. 38-262. - Height and area regulations.

The following regulations shall apply in all NC—Neighborhood Commercial Districts:

Minimum Lot Area	Minimum Lot Width	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage
		<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>		
1 acre *	150 feet *	35 feet	20 feet	35 feet	35 feet	45 feet	25%
10,000 SF **	80 feet **						
* Without a public sewer system or a water supply system (Ord. of 11-18-2008) ** With both a public sewer system or a water supply system (Ord. of 11-18-2008)							

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a public sewer system or a water supply system in which case there shall be provided a minimum lot area of 10,000 square feet except where included in a neighborhood planned shopping center of three or more stores.

(Ord. of 11-18-2008)

- (2) *Lot width.* The minimum lot width for lots served with a public sewer system and a water supply system shall be 80 feet. Where a lot is not so served, the minimum lot width shall be 150 feet.

(Ord. of 11-18-2008)

- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.

- (4) *Yard setback requirements.*

- a. Front yard: Not less than 35 feet.
- b. Side yards: Least width of either yards shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet.
- c. Rear yard: Not less than 35 feet.

The above yard requirements shall apply to every lot, building or structure, except for accessory buildings located totally behind the principal building.

- (5) *Height.* No building or structure shall exceed a height of 45 feet. (See section 38-426.)
- (6) *Transition strips.* (See section 38-422.)
- (7) *Required off-street parking.* As required in article XXIII of this chapter.

Sec. 38-263. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-264—38-289. - Reserved.

ARTICLE XI. - HC—HIGHWAY COMMERCIAL DISTRICT

Sec. 38-290. - Purpose.

This district is composed of those areas of the township whose principal use is or ought to be retail and service business activities which serve or are meant to serve the motoring public. This district has been located at major regional highways or intersections of highways and expressways, to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on and serve the persons traveling on major through highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Sec. 38-291. - Permitted uses.

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted by right within the HC district:

- (1) Souvenir and gift shop, public information booth.
- (2) Gasoline/vehicle service station, including minor repair service.
- (3) Motel, hotel.
- (4) Drive-thru retail and service establishments, excluding drive-in establishments.
- (5) A sign, only in accordance with the regulations specified in article XXII of this chapter.
- (6) Accessory use, buildings or structures. (See sections 38-416 and 38-419.)
- (7) Essential services.
- (8) Essential service buildings except as provided in section 38-474.
- (9) Self-storage/mini-storage facility. (See section 38-477.)
- (10) Greenhouses, with no on-site sales.
- (11) Offices.
- (12) Restaurants or other places serving food or beverages.
- (13) Wholesale sales.
- (14) Sporting goods sales.
- (15) Contractor establishment.

Sec. 38-292. - Conditional uses.

The following uses of land and buildings may be permitted upon obtaining a conditional use permit as provided in article XVI of this chapter:

- (1) Commercial recreation establishments.

- (2) Public or institutional uses.
- (3) Group child care homes. (See section 38-490.)
- (4) Temporary trailer office.
- (5) Vehicle repair and sales. (See section 38-53.)
- (6) Communication towers. (See section 38-483.)
- (7) Planned neighborhood shopping center. (See section 38-472.)
- (8) Planned community and regional shopping center. (See section 38-473.)
- (9) Adult entertainment. (See section 38-490.)

Sec. 38-293. - Height and area regulations.

The following regulations shall apply in all HC—Highway Commercial Districts:

Minimum Lot Area	Minimum Lot Width	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage
		<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>		
1 acre *	150 feet	35 feet	20 feet	20 feet	35 feet	35 feet	25%
10,000 sq. ft. **	80 **					25 feet **	

* Without a public sewer system or a water supply system (Ord. of 11-18-2008)

** With both a public sewer system and a water supply system (Ord. of 11-18-2008)

- (1) *Lot area.* No building or structure shall be established on any lot less than one acre in area, except where a lot is served with a public sewer system or a water supply system, in which case there shall be provided a minimum lot area of 10,000 square feet.

(Ord. of 11-18-2008)

- (2) *Lot width.* The minimum lot width for lots served with a public sewer system and a water supply system shall be 80 feet. Where a lot is not so served, the minimum width shall be 150 feet.

(Ord. of 11-18-2008)

- (3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent.

- (4) *Yard setback requirements.*

- a. Front yard: Not less than 35 feet.
- b. Side yards: The least width of either yard shall not be less than 20 feet, except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than 35 feet.
- c. Rear yard: Not less than 20 feet.
- d. The above yard requirements shall apply to every lot, building or structure except for accessory buildings

located totally behind the principal building.

- (5) *Transition strips.* (See section 38-422.)
- (6) *Height.* No building or structure shall exceed a height of 35 feet. (See section 38-426.)
- (7) *Required off-street parking.* As required in article XXIII of this chapter.

Sec. 38-294. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-295—38-321. - Reserved.

ARTICLE XII. - IND—INDUSTRIAL DISTRICT

Sec. 38-322. - Purpose.

This district is composed of those areas of the township whose principal use is or ought to be manufacturing, other industrial, wholesale commercial and industrial storage facilities. 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 lessen congestion on public streets and highways. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.

Sec. 38-323. - Permitted uses.

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

- (1) The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- (2) Assembly of merchandise such as electrical appliances, electronic or precision instruments.
- (3) Packaging of previously prepared materials, but not including the bailing of discards, such as old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
- (4) Printing, lithographic, blueprinting and similar uses.
- (5) Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- (6) Light manufacturing industrial use which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; 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.
- (7) Research and testing facilities.
- (8) A sign, only in accordance with the regulations in article XXII of this chapter.

- (9) Essential service buildings. (See section 38-474.)
- (10) Machine shops.
- (11) Vehicle repair and service.
- (12) Accessory use, buildings or structures. (See sections 38-416 and 38-419.)
- (13) Contractor's establishment.
- (14) Gasoline service stations.
- (15) Manufacturing product warehousing, exchange and storage centers and yards.
- (16) Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, construction and farm equipment sales.
- (17) Essential services.
- (18) Essential service buildings.

Sec. 38-324. - 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 XVI of this chapter:

- (1) Manufacturing.
- (2) Bus, truck, taxi and rail terminals.
- (3) Airports.
- (4) Auctions for livestock.
- (5) Slaughter houses and/or rendering plants.
- (6) Temporary trailer office.
- (7) Public or private dumps; incinerators; and sanitary landfills; junkyards; inoperative vehicle. (See section 38-470.)
- (8) Storage.
- (9) Quarries, sand and gravel pits.
- (10) Plating shops.
- (11) Heat treating processors.
- (12) Tanneries.
- (13) Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- (14) Commercial telecommunication towers. (See section 38-488.)
- (15) Group child care homes. (See section 38-490.)

Sec. 38-325. - Height and area regulations.

The following regulations shall apply in all IND Industrial Districts:

Minimum Lot Area	Minimum Lot Width	Minimum Yard Setbacks				Maximum Building Height	Maximum % Bldg Coverage
		<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>		

5 acres *	250 feet *	85 feet	30 feet	35 feet	60 feet	50 feet	25%
2 acres **	150 feet **						

* Without both a public sewer system and a water supply system (Ord. of 11-18-2008)

** With both a public sewer system and a water supply system (Ord. of 11-18-2008)

(1) *Lot area.* No building or structure shall be established on any lot less than five acres in area, except where a lot is served with a public sewer system and a water supply system, in which case there shall be provided a minimum lot area of two acres.

(Ord. of 11-18-2008)

(2) *Lot width.* The minimum lot width for lots served with a public sewer system and a water supply system shall be 150 feet. Where a lot is not so served, the minimum width shall be 250 feet.

(Ord. of 11-18-2008)

(3) *Lot coverage.* The maximum lot coverage shall not exceed 25 percent per acre.

(4) *Yard setback requirements.*

a. Front yard: Not less than 85 feet.

b. Side yards: Least width of either yard shall not be less than 30 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 60 feet.

c. Rear yard: Not less than 35 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building.

(5) *Height.* Except as is otherwise provided in this article, no building or structure should exceed a height of 50 feet. (See section 38-426.)

(6) *Required off-street parking.* As required in article XXIII of this chapter.

(7) *Transition strips.* (See section 38-422.)

Sec. 38-326. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Sec. 38-327. - Prohibited uses.

Prohibited uses not specifically permitted above are prohibited.

Secs. 38-328—38-357. - Reserved.

ARTICLE XIII. - OSC—OPEN SPACE WATERBODY CONSERVATION DISTRICT

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State Law reference— *Open space preservation, MCL 125.3506; inland lakes and streams, MCL 324.30101 et seq.; wildlife conservation, MCL 324.40101 et seq.*

Sec. 38-358. - Purpose.

It is recognized by this article that the principal use of certain open areas within the townships 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 article 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 water bodies, 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 floodplain by soil types as compiled by the U.S. Soil Conservation Service.

Sec. 38-359. - Permitted uses.

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

- (1) Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- (2) A lot may be used for the raising or growing of crops, orchards, vineyards, tree farms and apiaries -provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water.
- (3) Keeping of livestock, poultry and other farm animals provided the area to be used for pasture and shelter meet the following requirements:

Species	Formula
Slaughter and feeder cattle	2.00 acres for each
Mature dairy cattle	2.80 acres for each
Horses	2.00 acres for each
Swine weighing > 55 lbs.	0.80 acres for each
Sheep/goats	0.20 acres for each
Turkeys	0.04 acres for each
Chickens with overflow watering	0.02 acres for each

Chickens with liquid manure system	0.06 acres for each
Ducks	0.40 acres for each
<p>Note: The keeping of species not specifically mentioned above shall require a conditional use permit as provided in article XVI of this chapter.No storage of manure shall be permitted within 90 feet of any adjoining lot line.</p>	

- (4) A lot may be used for the raising or growing of plants, trees, shrubs and nursery stock.
- (5) Drives and parking areas.
- (6) A sign, only in accordance with the regulations specified in article XXII of this chapter.
- (7) Essential services.
- (8) Essential service buildings except as provided in section 38-474.

Sec. 38-360. - 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 XVI of this chapter:

- (1) Public or private forest preserve, game refuge, golf course, park, campgrounds including, but not limited to, seasonal tent and travel trailer campgrounds, playground, or other recreation purpose. (See section 38-481.)
- (2) 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.
- (3) The removal of soil, sand, gravel and other materials. (See section 38-487.)
- (4) Country club house, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use. (See section 38-479.)
- (5) Communication towers. (See section 38-488.)
- (6) An accessory use building or structures. (See sections 38-416 and 38-419.)
- (7) Keeping of species not specifically mentioned in section 38-359(3).

Sec. 38-361. - Parking requirements.

All uses either permitted or conditional in this district shall meet the off-street parking requirements of article XXIII of this chapter.

Sec. 38-362. - Height and area regulations.

The following regulations shall apply in all OSC—Open Space and Water Body Conservation Districts:

Minimum	Minimum	Minimum Yard Setbacks	Maximum	Maximum

Lot Area	Lot Width	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Corner</i>	Building Height	% Bldg Coverage
5 acres	300 feet	60 feet	50 feet	50 feet	60 feet	40 feet	10%

(1) *Minimum lot size.* No building or structure shall be established on any lot less than five acres in area.

(2) *Minimum width.* The minimum lot width shall be 300 feet.

(3) *Maximum coverage.* The maximum lot coverage shall not exceed ten percent.

(4) *Yard setback requirements.*

- a. Front yard: Not less than 60 feet.
- b. Side yards: The least width of either yards shall not be less than 50 feet.
- c. Rear yard: Not less than 50 feet.

The above requirements shall apply to every lot, building or structure except for accessory buildings located totally behind the principal building.

(5) *Height.* (See section 38-426.) No building or structure shall exceed three stories or 40 feet.

(6) Required off-street parking as required in article XXIII of this chapter.

(7) *Preservation of environmental quality.* As required in section 38-429, in a floodplain 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 floodplain.

Sec. 38-363. - Lot depth.

The depth of all newly created lots shall not exceed four times the lot width, as measured at the required building setback.

Sec. 38-364. - Fences and walls.

Fences and walls provisions as contained in section 38-427.

Secs. 38-365—38-386. - Reserved.

ARTICLE XIV. - OPEN SPACE COMMUNITIES

Footnotes:

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State Law reference— *Open space preservation, MCL 125.3506.*

Sec. 38-387. - Statement of intent.

- (a) The purpose of this section is to allow and encourage alternative subdivision designs which preserve the township's character and environmentally sensitive elements, while providing housing communities that are desired by the

community and the general public.

(b) Open space communities shall promote the following objectives:

- (1) Maintain the rural character of the township.
- (2) Maintain an image of open space within the township.
- (3) Preserve open space within the township.
- (4) Preserve natural resources within the township.
- (5) Preserve agriculture and farming within the township.
- (6) Achieve a balance between farming, open space and residential growth within the township.

Sec. 38-388. - Site criteria.

(a) *Location of open space communities.* An open space community may be located in AA—Agricultural, RR—Rural Residential, LDR—Low Density Residential and MDR—Medium Density Residential districts.

(b) *Access.* The open space community shall have direct access to an approved public roadway.

(c) *Open space criteria.*

(1) *Requirements.* In all open space communities, at least two of the following items must be present:

a. *Preservation of natural amenities.* Sites preserving a significant quantity of any of the following:

1. *Organic amenities:* Significant views and vistas, mature woodlands, wetlands or lowland areas, prairies, bodies of open water (such as ponds, streams, natural drainageways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
2. *Nonorganic amenities:* Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.

b. *Provisions for recreational facilities.* The submittal should include both passive and/or active recreation areas for residents within the open space systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.

c. *Creation of natural amenities.* These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain non-manicured, allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.

d. *Preservation of agriculture.* Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughterhouse, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.

(2) *Density.* Under the open space community provision, the net density shall be no greater than that normally permitted within that zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on the subject parcel.

Sec. 38-389. - Submission requirements.

- (a) *Parallel plan.* A "parallel" or "yield plan" shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all state, county and township subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainageways, as regulated by federal, state, county or local agencies. The planning commission must determine that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the open space community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the planning commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.
- (b) *Site analysis.* A site analysis plan shall be submitted, showing the following site features:
- (1) Wetlands, as determined by the state department of environmental quality.
 - (2) Water areas, such as streams and ponds.
 - (3) Woodlands and farmland.
 - (4) Soils and topography.
 - (5) Drainage patterns and county drains.
 - (6) Historic and cultural features.
 - (7) Wildlife habitat corridors.
 - (8) View sheds and view corridors.
 - (9) Existing easements of record.
 - (10) Existing and proposed rights-of-way.
 - (11) Existing infrastructure.
 - (12) Adjacent development within 300 feet.
- (c) *Conservation areas plan.* The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.
- (1) Primary conservation areas: floodplains, regulated wetlands, drainageways, easements, 150-foot exterior road buffer, or other exceptional elements.
 - (2) Secondary conservation areas: farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
 - (3) Buildable areas: areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.
- (d) *Open space plan.* An open space plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yield plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

Sec. 38-390. - The review process.

- (a) The planning commission shall determine that the yield plan submitted meets all applicable regulations of the land

division act (MCL 560.101 et seq.), the township subdivision regulations and condominium regulations.

- (b) The planning commission shall confirm the accuracy and feasibility of the open space plan.
- (c) Planning commission determination.
- (d) Upon approval, the proprietor may undertake the process for subdivision or Condominium approval, or land division per state law and township ordinance.
- (e) Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the subdivision or condominium review process, or submit a new application for an open space community.

Sec. 38-391. - Site design requirements.

- (a) *Zoning provisions apply.* Unless otherwise provided for in this article, all other applicable zoning ordinance provisions shall apply.
- (b) *Minimum lot size.* Lot sizes shall be determined by the state and county health departments' regulations or standards.
- (c) *Minimum yard setbacks.* To be determined on a development by development basis.
- (d) *Development layout.* The development is encouraged to include roads that are single-loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
- (e) *Minimum exterior road buffer.* The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any county road or state highway servicing the open space development.
- (f) *Minimum open space.* A minimum of 50 percent of the gross land area shall be set aside for common open space uses. Open space shall be defined as follows: All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyable of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. Land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot shall not meet the open space requirements, or land area dedicated as limited commons.
- (g) *Maximum amount of unbuildable land used as open space.* A maximum of 50 percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is regulated by state department of environmental quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the construction of housing.
- (h) *Houses abutting the open space.* A minimum of 50 percent of all dwelling units within the development shall abut or overlook the dedicated open space.
- (i) *Access to open space.* Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
- (j) *General lot character.* Flag lots or panhandle lots shall not be permitted within an open space community.
- (k) *Natural area.* An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
- (l) *Pedestrian circulation.* Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space recreational spaces from the residential areas. Natural paths or bike paths are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the planning commission.

- (m) *Garages.* Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five feet from the front plane of the house.
- (n) *Overall architectural character.* A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

Sec. 38-392. - Dedication of open space.

- (a) The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the township attorney and approved by the township board, such as the following:
 - (1) A conservation easement, as established by part 21, subpart 11 of Public Act No. 451 of 1994 (MCL 324.2140 et seq.).
 - (2) Master deed, as established by the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).
 - (3) Distributed, gift or sale of the development rights to all property owners within the open space community.
- (b) The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The township attorney shall review the conveyance and assure the township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the open space community, and shall include methods of payment and collection.

Sec. 38-393. - Subdivision plat, condominiums or lot divisions.

After, or in conjunction with, the open space or farmland community approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the township subdivision regulations, condominium regulations or land division ordinance.

State Law reference— Land division act, MCL 460.101 et seq.; condominium act, MCL 559.101 et seq.; lot divisions, MCL 560.263.

Secs. 38-394—38-414. - Reserved.

ARTICLE XV. - SUPPLEMENTAL REGULATIONS

Sec. 38-415. - 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.

Sec. 38-416. - Accessory building.

- (a) Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but 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.
- (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 feet to any side lot line. When a lot has frontage on two or more streets and the accessory building is located completely to the rear of all portions of the principal building, it may be located no nearer than 20 feet from the road right-of-way line.

- (c) No detached accessory building shall be located nearer than five feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to an alley, it shall be located no nearer than 12 feet to said rear lot line.
- (d) No accessory building shall project into any front yard setback.
- (e) No accessory building shall occupy more than 30 percent of the area of any rear yard or front yard.
- (f) No accessory building shall be permitted on a parcel that does not contain a principal building, unless the accessory building is the principal building on a parcel in support of an agricultural operation and located in an AA—Agricultural District.
- (g) In the event that the principal building on a parcel is destroyed by fire, storm, or other calamity, the owner shall be permitted a period of 12 months to rebuild, during which time a preexisting accessory building on the parcel shall be allowed to remain, even in the absence of a principal building; provided, however, if the owner fails to rebuild within 12 months, the accessory building shall then be considered nonconforming and shall be removed.

Sec. 38-417. - 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 principal building and its permitted accessory structures located on each lot.

Sec. 38-418. - Requirements for single-family dwelling units.

The purpose of this section is to provide reasonable standards which ensure that all single-family homes regardless of construction type (e.g., site-built or factory built) are compatible and compare aesthetically within the same residential zone.

- (1) There shall be a minimum depth of the dwelling unit of 24 feet for a width of at least 40 feet.
- (2) Each dwelling unit shall have a minimum first floor area of 960 square feet.
- (3) All pre-manufactured homes shall be in compliance with state, federal and local laws.
- (4) All dwellings shall be firmly attached to their foundations in compliance with the provisions of the applicable building code adopted by the township.
- (5) No skirting shall be permitted.
- (6) The standards contained in this section do not apply to homes located in manufactured housing communities.
- (7) The standards do not allow or permit the placement or construction of a home in those areas where deed restrictions or other covenants prevent it.

Sec. 38-419. - Accessory building as dwelling.

No building on the same lot as a principal building shall be used for dwelling purposes.

Sec. 38-420. - Basement as dwelling.

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.

Sec. 38-421. - Required water supply and sanitary sewer facilities.

In addition to the requirements established by the county health department, the following site development and use requirement shall apply: 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 water supply and a safe effective means of collection, treatment and disposal of wastes.

State Law reference— Local authority to provide and regulate sewer and water service, MCL 324.4301 et seq.; water and sewer authorities, MCL 124.281 et seq.

Sec. 38-422. - Transition strip.

Prior to the commencement of construction of any structure or building in a commercial district or industrial district where such property abuts, adjoins or is adjacent to a residential zone, a transition strip shall be established. However, where permitted elsewhere in this article, an opaque wall or fence may be built in lieu of a transition strip. A transition strip, with a minimum width of 20 feet, shall be completed within six months from the date of the building certificate of occupancy. The transition strip shall thereafter be maintained with permanent plant materials. A use or structure on any lot requiring a transition strip that has frontage on a public road, street or way shall provide a transition strip in accordance with sections 38-424 and 38-428.

Sec. 38-423. - Access to a street.

Any lot without any frontage on a public street or right-of-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 20 feet in width. If a private easement or other right-of-way serves more than two properties, the easement or right-of-way shall be constructed in accordance with section 38-435. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods.

(Ord. of 2-2008)

Sec. 38-424. - Visibility at intersections.

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way lines.

Sec. 38-425. - 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 areas included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Sec. 38-426. - Height regulations.

The height requirements established by this article shall apply uniformly 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 article; spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylight; water tanks, bulkheads;

utility poles; power lines; radio and television broadcasting and receiving antennae, silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

Sec. 38-427. - Fences and walls.

- (a) *MDR—Medium Density Residential and HDR—High Density Residential Districts.* The limits and restrictions in these districts are as follows:
- (1) Within the limits of a side or rear yard no fence or wall, other than a necessary retaining wall, shall be higher than eight feet in height.
 - (2) Above ground electrified or barbed fences shall not be erected.
 - (3) No fence, wall, vegetation, planting or other screening structure which presents an obstruction to visibility shall be located within 20 feet of any street intersection.
 - (4) In a front yard, 20 feet or less from a street right-of-way line, fences, walls, vegetation, plantings or other screening structures shall not exceed four feet in height; between 20 feet of the street right-of-way line and the first supporting member of the principal structure they shall not exceed five feet in height.
 - (5) Properties having frontage on two streets (not a corner lot) shall be fenced in accordance with the following provisions:
 - a. The yard fronting on the street of the property postal address shall be fenced in accordance with subsection (a)(4) of this section.
 - b. Side yard fences on interior lots may be erected to a height of eight feet.
 - c. The remaining property shall be considered a rear yard for fencing purposes, except that in the 20 feet or less from the rear street right-of-way line, fences shall not exceed four feet in height and no fence in the rear yard shall exceed five feet in height any closer to the street than the front yard limit line of an adjacent lot.
 - (6) It is the responsibility of the individual erecting the fence to make sure the fence is within their own property boundaries.
 - (7) All privacy fences, visual screening fences, solid fences or walls constructed within eight feet of a property line must be constructed with the decorative side or finished side toward the perimeter property line.
- (b) *AA—Agricultural, OSC—Open Space and Water Body Conservation District, LDR—Low Density Residential and RR—Rural Residential District.* No restrictions are imposed to limit the size, type and location of fences, except that:
- (1) No fence may be located in a public right-of-way.
 - (2) No fence which is an obstruction to visibility shall be located within 20 feet of any street right-of-way.
 - (3) It is the responsibility of the individual erecting the fence to make sure the fence is within their own property boundaries.
 - (4) All privacy fences, visual screening fences, solid fences or walls constructed within eight feet of a property line must be constructed with the decorative side or finished side toward the perimeter property line.
- (c) *NC—Neighborhood Commercial, HC—Highway Commercial and IND—Industrial Districts.* The limits and restrictions in these districts are as follows:
- (1) No fences, walls or other screening structures may be located in a public right-of-way.
 - (2) No fence, wall or other screening structure, which is an obstruction to visibility, shall be located within 20 feet of any street right-of-way.

- (3) Within a side, front or rear yard of any industrially or commercially zoned property, no fence or other screening structure be erected if higher than ten feet above the surface of the ground.
- (4) It is the responsibility of the individual erecting the fence to make sure the fence is within their own property boundaries.

Sec. 38-428. - Traffic visibility across corners.

In any district on any corner, whether it be a platted lot or other parcel of land, no fence, structure or planting over three feet in height shall be planted or erected on the street side of a line drawn between two points each being 30 feet from the corner formed by the rights-of-way of such streets.

Sec. 38-429. - Shoreline excavation and dredging.

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 following:

- (1) As provided in part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.), and in accordance with the requirements of the state department of environmental quality (MDEQ).
- (2) If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the planning commission all data, exhibits and information as may be required by the department of environmental quality (MDEQ).

Sec. 38-430. - Essential services.

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

- (1) The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- (2) Essential services shall be exempt from lot area requirements in the agricultural, industrial and open space water body conservation districts.

Sec. 38-431. - Swimming pools.

Private pools shall be permitted as an accessory use within the rear or side yards only. Private swimming pools must meet the following requirements:

- (1) There shall be a distance of not less than ten feet from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.
- (2) There shall be a distance of not less than ten feet between the outside pool wall and any building located on the same lot.
- (3) No swimming pool shall be located in the front yard.
- (4) The pool shall be kept clean with a water filtration system.
- (5) If electrical service, drop conductors, or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- (6) No swimming pool shall be located in an easement.

- (7) All pool areas shall be accessible to emergency services personnel in the event of an emergency.
- (8) Other standards are as follows:
- a. For all yards containing below ground swimming pools:
 1. The yard shall have an enclosed fence not less than four feet in height surrounding the pool with a gate.
 2. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open.
 3. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
 - b. For all yards containing aboveground swimming pools:
 1. The yard shall be completely enclosed by a fence not less than four feet in height, unless the outer wall of the aboveground pool which completely encircles the swimming pool is 42 inches above the ground level adjacent to the pool.
 2. The 42-inch wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 3. The gate and/or stairs shall be of a self-closing and latching type and must be in operable condition at all times.
 - c. If the entire pool area is enclosed by a fence 48 inches high, then these provisions may be waived by the zoning administrator upon inspection and approval.

(Ord. of 4-21-2015)

Sec. 38-432. - Private stables.

- (a) The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
- (b) The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors that would pose a nuisance to nearby residents.

Sec. 38-433. - Roadside stands.

Roadside stands for the sale of produce of which is grown on the same premises or on land which is under the same ownership shall be set back at least 40 feet from the centerline of road with off-street parking.

Sec. 38-434. - Standards for conditional rezone.

This section should not be construed as to allow a rezone inconsistent with the future land use plan.

- (1) An owner of land may voluntarily offer in writing, and the township may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.
- (2) In approving the conditions under subsection (1) of this section, the township may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4) of this section, if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
- (3) The township shall not add to or alter the conditions approved under subsection (1) of this section during the time period specified under subsection (2) of this section.
- (4) The time period specified under subsection (2) of this section may be extended upon the application of the

landowner and approval of the township.

- (5) The township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) of this section shall not otherwise affect a landowner's rights under this Act, the ordinances of the local unit of government, or any other laws of this state.
- (6) A conditional rezone request shall follow the requirements of section 38-837.

(Ord. of 4-13-2012)

Sec. 38-435. - Private road standards and procedures.

- (a) *Access requirements.* All private roads permitted under this section shall meet the standards of all public roads within the township. All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.
- (b) *Required approval.* No person shall commence construction of a private road within the township without prior approval by the township board. Applications for approval shall conform to the rules of procedure as promulgated by the township engineer and as adopted by the township. A construction permit for a private road as approved by the township board shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is built and occupied or a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold including violations of the township blight ordinance.

(Ord. of 10-19-2010)

- (c) *Standards.* All private roads shall meet the county road department standards and be certified by an engineer that the private road has been constructed to county standards. Street signs approved by the county road department shall be placed at appropriate locations prior to the issuance of the first building permit using a street number upon the private road.

(Ord. of 10-19-2010)

- (d) *Deed restrictions.*
 - (1) Prior to the approval of the proposed private road, the applicant shall submit to the township a set of deed restrictions in a form acceptable to the township which shall provide for the creation of the private road easement and the creation of a homeowners' association whose members shall be the property owners abutting said road. The association shall be responsible for the up-keep and maintenance of said road. No more than one association shall be responsible for any one private road. The township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.
 - (2) The applicant shall also submit to the township a document, in a form sufficient for recording with the county register of deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the township liable for the costs of road signs, traffic control signs, maintenance, lighting, snow removal or dust control.
 - (3) A performance guarantee will be required under this article to ensure completion of the private road.

(Ord. of 2-2008)

Sec. 38-436. - Continued conformance with regulations.

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

Sec. 38-437. - Performance guarantee.

In the interest of ensuring compliance with this chapter and protecting the natural resources and the health, safety and welfare of the residents of the township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the planning commission, as a condition of approval of the proposed use, may require the applicant to deposit a performance guarantee as set forth herein to ensure completion of improvements connected with the proposed use required by this article, including, but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- (1) The term "performance guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the township.
- (2) Where the planning commission, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the clerk of the township prior to the issuance of a building permit by the township for the development and use of the land. Upon the deposit of the performance guarantee, the township shall issue the appropriate building permit and the township clerk shall thereafter retain said deposit; however, if said deposit is in the form of cash or certified check, then it shall be transferred to the township treasurer for deposit in an interest bearing account.
- (3) Where a performance guarantee is required by the planning commission as a condition of approval for a proposed use, the planning commission may also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
- (4) In the event the performance guarantee deposited is a cash deposit or certified check, the township shall rebate to the applicant amounts of money in reasonable proportions to the ratio of the work completed on the improvements by the applicant as confirmed by the township engineer.
- (5) Upon the satisfactory completion, as determined by the township, of the improvement for which the performance guarantee was required, the clerk shall notify the treasurer of the township to return to the applicant the performance guarantee deposited and any interest earned thereon.
- (6) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- (7) In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay to the township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 38-438. - Recreational vehicles as a dwelling.

It shall be unlawful for any person to park, place or locate any recreational vehicle being used for human occupancy on any street, lot, tract or parcel of land for a period of time longer than 30 consecutive days within a six-month period except in a licensed mobile home park or in a designated recreation area.

(Ord. of 11-16-2010)

Sec. 38-439. - Outdoor wood boilers/furnaces.

An outdoor wood-fired boiler/furnace shall be installed and used only in area zoned AA—Agricultural and RR—Rural Residential on a lot size of at least three acres and lot width of 300 feet and in LDR—Low Density Residential and MDR—Medium Density Residential on a lot size of a least five acres and lot width of 500 feet. The outdoor wood-fire boiler/furnace shall meet all the following criteria:

- (1) Inspection for mechanical and electrical installation by the township.
- (2) Built to manufacturers' specifications.
- (3) Located at least 200 feet from the nearest dwelling which is not on the same property as the outdoor wood boiler/furnace.
- (4) The zoning board of appeals may grant a variance on a case-by-case basis.
- (5) A parcel located in the LDR—Low Density Residential or MDR—Medium Density Residential zoned area with an outdoor wood boiler/furnace may not be divided unless it conforms to the five acres and lot width of 500 feet requirement unless the outdoor wood boiler/furnace is removed.
- (6) A parcel located in the AA—Agricultural or RR—Rural Residential zoned area with an outdoor wood boiler/furnace may not be divided unless it conforms to the three acres and lot width of 300 feet unless the outdoor wood boiler/furnace is removed.
- (7) Will be located totally behind the frontline of the principal building.

(Ord. of 1-18-2011)

Secs. 38-440—38-461. - Reserved.

ARTICLE XVI. - CONDITIONAL USES

Footnotes:

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State Law reference— *Special land uses, MCL 125.3502 et seq.*

Sec. 38-462. - Purpose.

The formulation and enactment of this article 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 locational 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.

Sec. 38-463. - Authority to grant permits.

The township board with recommendations from the township planning commission shall have the authority to review and approve conditional use permits and may deny, approve, or approve with conditions a request for conditional land use approval. The decision on a conditional land use application shall be incorporated in a statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision and any conditions imposed. The township board's authority to grant conditional use permits shall be 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 article.

(Ord. of 2-2008)

Sec. 38-464. - Application and fee.

Application for any conditional use permit permissible under the provisions of this article shall be made to the township board, via the clerk by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing the appropriate fee to the township clerk. No fee shall be required of any governmental body or agency. The township planning commission may also request the assistance, with consent of the township supervisor, of professionals including attorneys, planners, engineers, surveyors, architects and landscape architects. The applicants shall pay the actual cost of the services of such professionals. If a special meeting is requested by the applicant, all costs associated with the special meeting shall be paid by the applicant. A schedule of fees as currently established or as hereafter adopted by resolution of the township board from time to time, shall be on file with clerk. No portion of the application or costs for special meetings shall be returnable to the applicant.

Sec. 38-465. - Data, exhibits and information required in applications.

An application for a conditional use permit shall contain the applicant's name, address, email address and telephone number, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this article.

Sec. 38-466. - Public hearing.

- (a) The township planning commission, upon receipt of an application for a conditional use permit, shall publish a notice of the request in a newspaper of general circulation in the township not less than 15 days before the date of the hearing.
- (b) Notice shall be given as provided under subsection (c) of this section to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (c) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
- (c) The notice under subsection (b) of this section is considered to be given when personally delivered or when

deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- (d) The notice shall do all of the following:
- (1) Describe the nature of the request;
 - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (3) State when and where the request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request;
 - (5) Indicate that a public hearing on the conditional land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for special land use regardless of whether the property or occupant is located in the zoning jurisdiction.
- (e) At the initiative of the township board or upon request of the applicant, a real property owner whose property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet, a public hearing shall be held before a discretionary decision is made on the conditional land use request.

(Ord. of 2-2008)

Sec. 38-467. - Required standards and findings for making determinations.

The planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- (1) Will be harmonious with and in accordance with the general objectives, intent and purposes of this article.
- (2) Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- (3) Will be served adequately by essential public facilities and services, 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.
- (4) Will not be hazardous or disturbing to existing or future neighboring uses.
- (5) Will not create excessive additional requirements at public cost for public facilities and services.

Sec. 38-468. - Continued validity of permit; revocation.

- (a) The issuance of a conditional use permit by the township board shall entitle the owner to continue to operate the conditional use permit so long as the owner remains in compliance with the terms and conditions of this article and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit. A conditional use permit shall expressly grant to the township 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 article or of the terms of the conditional use permit.
- (b) In the event the owner or occupant of the property of which a conditional use permit has been issued, shall violate any provision of this article or any term, condition, limitation, regulation or safeguard contained in the conditional

use permit, the conditional use permit shall be deemed revoked and the owner or occupant determined to be in violation of this article and the township may proceed to enforce the provisions in this article and the terms, conditions, limitations and safeguards of the conditional use permit as provided in this article. In addition to all other remedies provided herein, in the event that such conditional use permit shall be deemed revoked any compliance bond posted by the owner under the provisions of this article shall be forfeited.

- (c) In the event the owner or occupant of the property for which a conditional use permit has been issued, shall cease to use the land for the use the permit has been granted for a period of 90 consecutive days or more, or shall cease to use the building for the use the permit has been granted for a period of six consecutive months or more, a revocation hearing shall be scheduled.

(Ord. of 2-2008)

- (1) *Revocation hearing*. The zoning administrator shall notify the owner or occupant of the property by certified letter or personal service of the intent of the township to revoke a conditional use permit. Service shall be made at least ten days prior to the hearing. The planning commission shall accept oral or written testimony from any interested party. If it is the determination of the planning commission that the permit be revoked, a recommendation shall be made to the township board.
- (2) *Township board action*. The township board shall review the recommendation of the planning commission and, if satisfied that the conditional use has been discontinued for the period referred to, may revoke the conditional use permit.

Sec. 38-469. - Junkyards.

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

- (1) Junkyards shall be established and maintained in accordance with all applicable state statutes.
- (2) It is recognized by this article that the location in the open of such materials included in this chapter's definition of "junkyard" 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 feet in height and not less in height than the materials located on the lot on which a junkyard 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 chapter's definition of "junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot. In addition to the foregoing requirements, the planning commission may require a transition strip in accordance with the provisions of section 38-422.
- (3) All traffic ingress or egress shall be on major streets, and there shall be not more than one entrance way to the lot on which a junkyard shall be operated from each public road on which said lot abuts.
- (4) On the lot on which a junkyard 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.

State Law reference— Junkyards near highways, MCL 252.201 et seq.; licensing of secondhand and junk dealers, MCL 445.401 et seq.

Sec. 38-470. - Sanitary landfill.

Sanitary landfills may be considered as a conditional use, provided that such use shall conform to all state and county health department regulations of such use; and the permit for such use shall be subject to annual renewal.

State Law reference— Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; litter control, MCL 324.8901 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

Sec. 38-471. - Planned unit residential developments.

The owner or owners of any tract of land comprising an area of not less than five acres may submit to the township planning commission a site plan for the use and development of the tract of land as planned unit residential development (PURD).

(1) *Required standards for approval.*

- a. 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.
- b. The proposed development will be served adequately by essential public facilities and services 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.
- c. The proposed unit shall be of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.

(Ord. of 2-2008)

- d. The open space, any other common properties, including individual properties, and all other elements of the planned unit residential development shall be 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.

(Ord. of 2-2008)

- e. 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 can augment lawful zoning techniques in attaining the objectives of the PURD amendment and may make its recommendations conditional upon these contractual relations between private parties, or may recommend procedures whereby the township becomes a party to such contractual relations.

(2) *Required provision in site plan.*

- a. 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 interests of the entire township. Prior to the submission of preliminary site plans and before the public hearing referred to in subsection (3) of this section, the planning commission and the applicant may engage in preapplication conferences to assist in the development of an appropriate plan. Likewise, the planning commission is permitted to engage in preapplication conferences before submission of a planned unit residential development request as authorized by section 503 of the Michigan zoning enabling act (MCL 125.3503).

(Revised 4-13-2008)

- b. The applicant may be required to dedicate land for street or park purposes and by appropriate covenants, to restrict areas perpetually (or for the duration of the planned development) as open space for common use. The development as authorized shall be subject to all conditions of this article only to the extent specified in the authorization.
- (3) *Township board approval.*
- a. Following receipt of the planning commission's report on the proposed PURD plan, the township board shall hold at least one public hearing on the request. Notification of the hearing shall be published in a newspaper of general circulation in the township not less than 15 days before the date of the hearing.
 - b. Notice shall also be given to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3)c of this section to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 - c. The notice under subsection (3)b of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- (4) *Notice.* The notice shall do all of the following:
- a. Describe the nature of the request;
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created unless no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - c. State when and where the request will be considered; and
 - d. Indicate when and where written comments will be received concerning the request.
- (5) *Denial or approval.* Within a reasonable time following the public hearing, the township board shall deny, approve, or approve with conditions the request. The board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Final approval may be

granted on each phase of a multi-phased PURD if each phase contains the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PURD and the residents of the surrounding area.

- (6) *Applicant review.* Upon final approval, the applicant shall be required to review his application and plan in final approved form and sign a statement that the PURD plan in its final form shall be binding upon the applicant, his heirs, successors and assigns.
- (7) *Final approval.* When the township board gives final approval, a conditional use permit may be issued for the PURD even though the size of the lots, the depth of the yards, and the required distance between group building and the building height may not conform in all respects to the regulations of the district in which the project is to be located.

(Ord. of 2-2008)

State Law reference— Planned unit development, MCL 125.3503.

Sec. 38-472. - Planned neighborhood shopping centers.

Such centers shall comply with the following provisions:

- (1) *Uses permitted.* Any use permitted in the NC—Neighborhood Commercial District.
- (2) *Site development.*
 - a. Such development shall occupy a site of not less than three acres with not less than 300 feet of street frontage.
 - b. No building shall be located nearer to any noncommercial property line of the neighborhood center than a distance equal to twice the height of said building.
 - c. No building shall exceed the height limitation specified in the zoning district in which it is located.
- (3) *Screening.* 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, an approved fence or masonry wall of not less than four feet nor greater than six feet in height shall be erected and maintained along all property lines abutting such district or use. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four feet.
- (4) *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- (5) *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 driveways each not to exceed 30 feet in width at the property line shall be permitted on each street frontage of the property. Such driveways shall be located as far from street intersections as practicable, but in no case less than 50 feet.
- (6) *Parking and circulation.* There shall be provided no less than four square feet of parking and circulation space for every one 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.

Sec. 38-473. - Planned community and regional shopping centers.

Such centers shall comply with the following provisions:

- (1) *Uses permitted.* Any use permitted in the NC—Neighborhood Commercial and HC—Highway Commercial Districts, with the addition of the following provisions:
 - a. 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.
 - b. Recreational facilities incidental to the principal operation of the center and of a nature normally out-of-doors, provided that there shall be no admission charge for such activities.
- (2) *Site development.*
 - a. Such development shall occupy a site of not less than ten acres with a minimum street frontage of 1,000 feet.
 - b. 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 50 feet.
- (3) *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 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 function of the shopping center, except that no more than 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 walls not exceeding six feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
- (4) *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.
- (5) *Signs.* All signs shall conform to the provisions of article XXII of this chapter with the addition of one sign located on each street frontage and not exceeding 100 square feet in area identifying the shopping center. Such sign may be illuminated but not by an intermittent source.
- (6) *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 driveways each, not to exceed 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. Driveways shall be located as far from street intersections as practicable, but in no case less than 100 feet.
- (7) *Parking and circulation.*
 - a. There shall be provided no less than four square feet of parking and circulation space for every one square foot of leasable floor area within the center.
 - b. 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.
 - c. Automobile and truck service traffic shall be separated from one another to the fullest possible extent.
 - d. On-site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets.
 - e. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless, and well-drained surface.

- f. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open business.

Sec. 38-474. - Essential service buildings.

- (a) The following essential services buildings shall be required to have a conditional use permit prior to their construction: transformer substations, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.
- (b) No building shall be used for human occupancy.
- (c) An opaque fence or screening material may be required by the township when deemed necessary.

Sec. 38-475. - Greenhouses.

Greenhouses with on-site sales shall comply with the following provisions:

- (1) All sales activities shall be in a fully enclosed structure.
- (2) Sales shall be limited to plants (including seeds, bulbs, and roots) grown on or off the premises and accessory items. The definition of accessory items shall be limited to planting containers, growing media (e.g., soil, peat, and mulch), prepackaged fertilizers and handheld gardening tools.
- (3) Areas devoted to the sale of accessory items shall be clearly identified on the site plan and shall be limited to 2,000 square feet or 20 percent of the floor area of the building or buildings, whichever is less.

Sec. 38-476. - Home occupations.

- (a) *Purpose.* A home occupation is recognized as a situation needed or desired by some residents of the community. However, the community also recognizes the rights of property owners to be free of nuisances which can result from home occupations. The purpose of these regulations is to ensure that any home occupations which are allowed are conducted as an incidental use of residential property which does not detract from the overall residential character of the neighborhood.
- (b) The nonresidential use shall be only incidental to the primary residential use of the property.
- (c) The home occupation shall be limited to the dwelling unit only and utilize no more than 30 percent of the total floor area exclusive of garage area, but will include for purposes of calculation, the basement area.
- (d) There shall be no more than one employee other than members of the immediate family residing on the dwelling unit.
- (e) All activities shall be conducted indoors.
- (f) There shall be no external evidence of such occupation except a small announcement sign as specified in article XXII of this chapter.
- (g) No home occupation shall be permitted which is injurious to the general character of the district and which creates a hazardous or unhealthy condition.
- (h) For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
- (i) No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

State Law reference— Instruction in craft or fine art as home occupation, MCL 125.3204.

Sec. 38-477. - Self-storage/mini-storage units.

- (a) No storage outside of a fully enclosed building shall be permitted.
- (b) The maximum length of any self-storage building shall be 150 feet.
- (c) No storage of combustible or flammable liquids, explosive materials, or toxic materials shall be permitted within the self-storage building or upon the premises.
- (d) The use of the premises shall be limited to storage only and shall not be used for operating any other business; for the maintaining or repairing of any vehicles, recreational equipment, or other items; or for any recreational activity, hobby, or purpose other than the storage of personal and business items.

Sec. 38-478. - Kennels.

The purpose of the following is to provide for the construction and maintenance of kennels within the township so as to protect the general health, safety, and welfare of residents and property owners and to preclude any harmful effects of such land use from occurring in any zoning district where such use may be permitted.

- (1) *Definition.* This section is intended to prohibit any premises being used contrary hereto and is defined as a premises on which three or more dogs over six months of age are boarded or bred, for remuneration, or kept for purchase or sale. Any person, firm, corporation, partnership, association or user of lands violating this section shall be guilty as herein defined. A dog kennel shall consist of a kennel building, dog runs, fencing and necessary parking.
- (2) *Regulations.* The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of the codes and ordinances of the township. In addition, all kennels shall be regulated by the rules of the county animal shelter and Public Act No. 195 of 1969 (MCL 287.262 et seq.).
- (3) *Inside enclosures.* The minimum size of the enclosures within the required kennel building shall be not less than three feet by three feet square and four feet high. There shall be a door or gate to each enclosure which allows easy access for inserting or removing the dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one enclosure for any dog over 18 inches long or over 14 inches high.
- (4) *Outside runs.* The exterior runs shall be a minimum of three feet wide and ten feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. Dogs shall be kept in the kennel building from 10:00 p.m. to 9:00 a.m. All exterior runs shall be paved and constructed with a slope to facilitate drainage.
- (5) *Enclosure fences.* The outside enclosures such as runs, etc., shall all have fencing a minimum of six feet high, of commercial cyclone quality or woven type of equal quality. The gates to these enclosures shall be self latching and each shall be equipped with a lock. The gate shall be locked at all times when not being used.
- (6) *Noise and view fence.* The dog runs, exercise yards and any places where the dogs are kept either full- or part-time must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. This fence shall allow air to pass through and may be constructed of masonry with sound baffles, or may be of a wood louver or other similar type. The fence and/or earth berm shall also be no less than six feet or more than eight feet high and no closer than three feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines.
- (7) *Off-street parking.* Paved off-street parking is required for each kennel with one space for each employee, plus

an additional five spaces for temporary visitors.

- (8) *Enforcement.* The determination of whether any violation of this section has been committed shall be made by the township zoning administrator.

State Law reference— Kennels, MCL 287.270 et seq.

Sec. 38-479. - Club or lodge, private.

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 meals on such premises, providing 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 beverages is in compliance with the applicable federal, state and municipal laws.

State Law reference— Michigan liquor control code of 1998, MCL 436.1101 et seq.

Sec. 38-480. - Seasonal tent and travel trailer campgrounds.

- (a) Seasonal tent and recreational vehicle campgrounds, including recreational areas incidental thereto, must contain at least five acres in area.
- (b) Areas designated for travel trailers, camp trailers and/or tent trailers must meet the applicable requirements of part 125 of Public Act No. 368 of 1978 (MCL 333.12501 et seq.), and such rules and regulations as may be promulgated thereunder by the state department of environmental quality.
- (c) Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the seasonal camping grounds and recreation areas while therein and shall consist of packaged merchandise only.
- (d) Activities shall be adequately screened from adjoining residentially developed or residentially zoned property by an evergreen planting at least five feet in height at the time of planting. In addition, the area must be fenced by fence constructed in a manner approved by the zoning board of appeals.
- (e) All facilities shall be provided with safe and adequate sanitation and drinking facilities constructed to meet the requirements of the county health department.
- (f) Fires may be built only in picnic stoves or other equipment or space designated by the park owner. It shall be unlawful to cause any other fire whatsoever in any park, playground or recreation area.
- (g) No person shall deposit or abandon any garbage, refuse, sewage, trash, waste or other obnoxious material except in receptacles provided for such purpose and the grounds must be maintained in a clean and orderly manner at all times.
- (h) The owner or operator shall be responsible to regulate noise and litter so as to not be detrimental to the use and enjoyment of adjoining property, as determined by the zoning board of appeals.
- (i) Overnight camping shall be restricted to areas designated and posted for this purpose as authorized in the campground permit which areas shall be set back at least 150 feet from adjoining residentially used land or residentially zoned land.
- (j) Adequate off-street parking must be provided to ensure adequate parking space to meet the reasonably foreseeable demands anticipated for the campground or recreation area or playground facilities.
- (k) Vehicular entrances into and exits from the campground or recreation area shall be constructed with approach lanes approved by the county road department so as not to interfere with moving traffic.

State Law reference— Campgrounds, MCL 333.12501 et seq.

Sec. 38-481. - Golf courses.

Golf courses are permitted subject to the requirements of this ordinance and the following special standards:

- (1) Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop may be located closer than 75 feet from the lot line of any adjacent residential land and from any existing or proposed public right-of-way.
- (2) All parking areas shall be paved and constructed in accordance with the standards of this article.
- (3) All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
- (4) All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- (5) Whenever included, swimming pools shall be provided with a protective fence not less than six feet in height and entry shall be provided by means of a controlled gate or turnstile.

Sec. 38-482. - Temporary buildings/dwellings permitted in emergency situations.

The township board, with recommendation from the planning commission, may permit the provision of a mobile home unit in any zoning district within the township on a temporary basis not to exceed a period of 30 days, provided that said board enters an order that the provision of such dwelling unit is to preserve the general health, safety and welfare of the occupants of the property and that there is an eminent danger to the preservation of buildings and their contents which may be resulted from natural or manmade causes. Prior to the expiration of the 30-day period, the property owner may submit a request to the township board for an extension not to exceed one year from the date of the first approval.

Sec. 38-483. - Towers (excluding commercial communication towers).

Towers, including those intended for transmitting or receiving radio, television or telephone communications may be permitted subject to the provisions of this article and the following special conditions:

- (1) No additional tower shall be permitted if there is a technically suitable space available on an existing communications tower within the geographic area that the new site is to serve.
- (2) Fencing according to the specifications of the planning commission shall be installed and maintained to secure the tower site.
- (3) Vegetative buffering according to the specifications of the planning commission shall be provided to screen the facility from adjacent land uses.
- (4) Additional setbacks beyond those required in the zoning district may be required to ensure safety in case of structural failure unless satisfactory certification is provided to the planning commission that the structure is adequately designed to ensure such safety.
- (5) Obsolete or unused facilities shall be removed within 12 months of cessation of operations at the site as determined by the planning commission.
- (6) A performance guarantee may be required by the planning commission to ensure compliance with any or all of the foregoing conditions and/or conditions of the special land use permit.

Sec. 38-484. - Commercial riding academy or stables.

A commercial riding academy or stables are subject to the provisions of this article and the following special standards:

- (1) The minimum site size shall be 20 acres where all riding will take place within an arena building and 40 acres where riding will occur in open areas outdoors.
- (2) Where riding is intended outdoors, the applicant may be required to submit a trail plan for approval to the township planning commission showing the general location of intended riding trails.
- (3) All areas for stockpiling manure shall be screened from view, shall not be located closer than 250 feet to any property line, and shall not be allowed to become a nuisance.
- (4) Adequate off-street parking shall be provided for customers in the ratio of one space for every two horse boarding stalls. All parking areas shall be screened from view of an abutting residential use by a greenbelt, obscuring fence, or masonry wall when it is determined by the planning commission to be appropriate.
- (5) The township may require hard-surfaced off-street parking to include a durable, dustless, water permeable surface.
- (6) At least one unisex/handicap access restroom must be made available for public use.
- (7) The style and size of the structures shall be subject to the planning commission's review and approval to determine that the project will be compatible and consistent with the surrounding residential areas if applicable.
- (8) A manure management plan must be submitted to the planning commission for approval and shall be a condition of any conditional land use permit approval. The riding academy shall be operated according to the plan as approved or modified by the planning commission. Such guidelines shall be developed by rule by the planning commission.
- (9) The maximum number of horses/equestrian animals which may be kept on the premises shall be subject to the conditional land use permit conditions.
- (10) The size and location of any and all signs associated with the stable/riding academy shall be subject to planning commission approval.
- (11) Any sale of goods from the premises shall be specifically approved as a condition of conditional land use permit approval.

Sec. 38-485. - Veterinary hospitals and clinics.

All principal use activities shall be conducted within a totally enclosed main building.

Sec. 38-486. - Public or institutional uses.

Public or institutional uses are subject to the following requirements:

- (1) Application and a site plan shall be submitted to the planning commission.
- (2) The required site plan shall show the property lines and dimensions of the tract and the proposed development, including all existing and proposed buildings and uses, as well as the location, dimensions and capacities of all areas to be used for motor vehicle parking.
- (3) Sufficient additional data shall be provided as needed to enable the planning commission to determine compliance with the requirements of this article, and to determine the best possible physical layout for the proposed use from the standpoint of its relationship to the general health, safety and welfare of the township and adjoining property values.

- (4) Before approving such plan or plans, the planning commission shall require proper guarantees that the proposed use shall not constitute a public hazard and is reasonably necessary for the convenience of the community.

Sec. 38-487. - Mineral extraction and soil removal.

Soil, sand, clay, gravel, topsoil, or similar removal operations are permitted in the AA—Agricultural District subject to the requirements of this article and the following special standards:

- (1) *Permit.* Where sand, gravel, topsoil or other substances are proposed to be removed from the site where found to another site; an annual operating permit is required to be obtained from the township board, after approval of the special use by the planning commission.
- a. *Application for permit.* The following information must be submitted as part of the conditional use permit for use by the township board, after approval of the conditional use by the planning commission.
1. Names, addresses and telephone numbers of parties of interest in said premises setting forth their legal interest in said premises.
 2. Full legal description of the premises wherein operations are proposed.
 3. Detailed statements to method of operation, such as wet or dry method, what type of machinery or equipment will be used and estimated period of time that such operation will cover.
 4. Detailed statement as to exactly what type of deposit is proposed to be extracted.
 5. Proposed method of filling excavation where quarrying results in extensive under-surface excavation.
 6. Site plan prepared by a registered civil engineer or surveyor, at a scale of not more than 200 feet to the inch of the excavation area, and real property within one-half mile of such area with the names of the owners of record of such property, all residences and commercial establishments with such area and contour lines at not more than five-foot intervals. Such owner shall also present a map showing the proposed contours to which the excavation area would be established upon completion of the excavation operations.
 7. Reuse plan showing how the site will be used after operations are complete and indicating that the reuse can be accomplished within the guidelines of the present zoning classification.
- b. *Permit fees.* The sum established by resolution of the township board shall accompany the application for a mining and extraction permit. Said sum is to be used to defray the cost of engineering services, investigation, publication charges, and other miscellaneous administrative expenses occasioned by processing such application. Permits issued by the township board shall be for a period of one year expiring December 31 each year, and such permits may be renewed by the payment of an annual inspection fee established by resolution of the township board. Such permits shall be renewed as herein provided for so long as the permit complies with all of the provisions of this article or other conditions of this permit.
- c. *Issuance of permits.* After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the township board, said board shall at a regular meeting determine whether or not a permit will be issued. The permit shall be issued in the event the township board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, morals, and general welfare of citizens of the township.
- (2) *Required conditions.* The following requirements shall be mandatory:
- a. *Pit operations.*

1. Where an excavation in excess of five feet deep will result from such operations, the applicant shall erect a fence surrounding the portion of the site where the excavation extends, said fence to be not less than five feet in height with gates, which gates shall be kept locked when operations are not being carried on.
 2. All interior roads used in connection with said excavation site shall be kept dust free by hard-topping with cement or bituminous substance. All ingress and egress to the site shall be directly onto a public road designated as a major or secondary thoroughfare on the community's adopted thoroughfare plan and having a paved surface suitable for carrying Class A loadings on a yearround basis. Weights for a Class A loadings shall be as defined by the county weigh master.
 3. The slopes of the banks of the excavation shall in no event exceed a minimum of seven feet to one foot (seven feet horizontal to one foot vertical) and where pond water results from the operation, this slope must be maintained and extended into the water to a depth of five feet.
 4. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep Out—Danger" signs around said premises not more than 200 feet apart. In order to protect water wells and the water supply of the township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A dragline or other method of quarrying approved by the township board shall be followed.
 5. No cut or excavation shall be made closer than 100 feet from the nearest street or highway right-of-way line nor nearer than 100 feet to the nearest property line; provided, however, that the planning commission may prescribe more strict requirements in order to give sub-lateral support to surrounding property where soil or geographic conditions warrant it.
- b. *Regulations for stripping.*
1. No soil, sand, gravel, clay or similar materials shall be removed below a point six inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the county road department, except as required for the installation of utilities and pavements.
 2. Soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
 3. That sufficient topsoil is stockpiled on said site so that the entire site, when stripping operations are completed, may be recovered with a minimum of four inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping operations. In the event, however, that such stripping operation continues over a period of time greater than 30 days, the operator shall replace the stored topsoil over the stripped areas as he progresses. In order to stabilize the replaced topsoil, the areas shall be seeded with an appropriate grass cover as replacement of topsoil progresses.
- (3) *Performance bond.* The township board shall, to ensure strict compliance with any regulations contained in this permit either for mining or topsoil stripping, require the permittee to furnish a cash performance bond in an amount determined by resolution of the township board to be reasonably necessary to ensure compliance hereunder. In fixing the amount of such performance bond, the township board shall take into account the probable cost of rehabilitating the premises per acre upon default of the operator, estimated expense to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of facts and circumstances surrounding each application.

Sec. 38-488. - Specific conditions and requirements—Telecommunication towers.

- (a) *Purpose.* Regulation of commercial wireless communication service towers and antennas is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of this section is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.
- (b) *Towers permitted in zoning districts.* Towers and alternative design mounting structures that support antennas are conditional uses. All towers shall be subject to the following conditions:
- (1) 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 monopole guyed (lattice) tower shall be set back:
 - a. From abutting residential districts and from any existing residence as measured from the tower base, as setback no less than 200 feet or 110 percent of the tower height, whichever is greater.
 - b. From any street, public property or private property line the setback shall be equal to the height of the tower. The setback distance shall be measured from the base of the tower to the lot line. Guy wire anchors shall be set back 50 feet from all property lines and shall be located on the same parcel as the tower.

If the proposed tower will be located on a parcel of land surrounded on all four sides by agriculturally zoned property, the planning commission may approve a site plan with a reduction of the minimum sideline setback requirements of this section upon evidence that a satisfactory fall zone for the tower will be less than the required setback. The evidence submitted shall be prepared by a civil engineer.
 - (2) For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this section.
 - (3) The tower base shall be enclosed by a security fence, consisting of a six-foot tall chain link fence. Operation and maintenance of the tower shall adhere to ANSI (American National Standards Institute) standards or other federal or state standards which guide the industry.
 - (4) A six foot tall landscaped screen may be required to screen around the exterior perimeter of the fenced area.
 - (5) The maximum tower height shall be 350 feet as measured from the tower base. This maximum height shall include the tower and any attachments.
- (c) *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 lights are required, a dual light system shall be employed to minimize the impact at night.
- (d) *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- (e) *Application requirements.* Application must be made for a building permit, and the following information must be submitted:
- (1) Site plan of the proposed tower location showing all existing and proposed features of the site, including maintenance buildings or pads constructed to support future carrier needs. The site plan shall also identify all buildings on the subject property and within the setback requirements identified under subsection (b)(1) of this section. Any structure utilized for the purpose of supporting an antenna in excess of 50 feet in height shall be subject to the provisions for site plan review. The applicant must present with the site plan a diagram identifying how this antenna will fit into the grid within the carrier's overall network. If such a structure has an approved site plan and has identified the location of future antenna, the applicant shall be subject to only a building application process.
 - (2) Elevation of the proposed tower height above grade, and any other improvements or characteristics of the site or

tower, including a description of the color and appearance of the tower. The applicant must seek ways to reduce the visual impact of the tower through camouflage, screening or site selection. The purpose is to provide compatibility of the tower and support structures with adjoining properties.

- (3) 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 submitted be certified by an independent, licensed professional engineer, with the cost of this review borne by the applicant.
- (4) Proof of liability insurance shall be submitted to the township clerk.
- (f) *Location/separation requirements.* All commercial wireless telecommunications towers erected, constructed or located within the 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 structure within the township or within one mile of its boundary. The applicant shall provide documentation on their investigation and the rationale for not being able to co-locate on any existing towers or structures. The application must present a plan for how and where such network and/or grid will be developed in the township and surrounding area.
 - (2) Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users. One tower location shall be reserved for public safety purposes.
 - (3) Separation distances between towers shall be applicable for and measured between the proposed tower and the preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, as established by the site plan for the proposed tower. The separation distances are as follows:

TABLE 1

Existing Towers—Types				
	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole less than 75 ft. in Height
Lattice	5,000 feet	5,000 feet	1,500 feet	750 feet
Guyed	5,000 feet	5,000 feet	1,500 feet	750 feet
Monopole 75 ft. in Height or Greater	1,500 feet	1,500 feet	1,500 feet	750 feet
Monopole less than 75 ft. in Height	750 feet	750 feet	750 feet	750 feet

- (g) *Abandonment or unused towers or portions of towers.* Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the township board, after recommendation by the planning commission. 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 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the township, with the costs of removal, including any administrative fees, assessed against the real property. The property shall be restored to original condition, prior to construction.
- (h) *Location on town property.* Antennas or towers may be located on property owned, leased, or otherwise controlled by the township, provided a license or lease authorizing such antenna or tower has been approved by the township.
- (i) *Owner/operator responsibility.* The tower owner or operator must inform the township clerk of any change in the status regarding the number of antennas located on the tower in order to define the potential for co-location by other applicants.

Sec. 38-489. - Group child-care homes.

A group child care home shall meet all of the following standards:

- (1) Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home;
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.);
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article VI of the public health code, Public Act No. 368 of 1978 (MCL 333.6101 et seq.);
 - d. A community corrections center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections;
- (2) Has appropriate fencing for the safety of the children in the group child care home as determined by the township;
- (3) Maintains the property consistent with visible characteristics of the neighborhood;
- (4) Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.;
- (5) Meets regulations, if any, governing signs used by a group child care home to identify itself;
- (6) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his employees.

(Ord. of 2-2008)

Sec. 38-490. - Adult entertainment.

The intent of this section is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby

residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent to legitimize activities which are prohibited by township ordinance, state or federal law. If any portion of this section relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

(Ord. of 10-19-2010)

Sec. 38-491. - Standards and additional requirements.

- (a) No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,000 feet of any principal or accessory structure of another sexually oriented business.
- (b) No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
- (c) No sexually oriented business shall be established on a parcel which is within 1,000 feet of any parcel zoned agricultural or residential.
- (d) No sexually oriented business shall be established on a parcel within 1,000 feet of any single- or multiple-family residence, public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any single- or multiple-family residence, public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the single- or multiple-family residence, public park, school, child care facility, church or place of worship.
- (e) The proposed use shall conform to all standards of the zoning district in which it is located.
- (f) The proposed use must meet all applicable written and duly promulgated standards of the township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- (g) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- (h) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
 - (1) "Persons under the age of 18 are not permitted to enter the premises;"
 - (2) "No alcoholic beverages of any type are permitted within the premises;" and
 - (3) "No gambling shall be allowed in any such facility."
- (i) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
- (j) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
- (k) All off-street parking areas shall comply with all other requirements of this chapter and shall be illuminated during all

hours of operation of the sexually oriented business, and until one hour after the business closes. All parking areas shall be posted stating that no loitering or congregation of patrons or others outside of the facility shall be allowed by the proprietor of the business.

- (l) 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.
- (m) Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of "specified anatomical areas" or "specified sexual activities":
 - (1) Is handicap accessible to the extent required by the Americans With Disabilities Act;
 - (2) Is unobstructed by any door/lock or other entrance and exit control device;
 - (3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - (4) Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
 - (5) Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
- (n) 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, and where those services are therapeutic and non-sexual in nature, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

Sec. 38-492. - Large solar energy systems.

- (a) *Purpose and intent.* The purpose and intent of this section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of large solar energy systems.
- (b) *Site plan drawing and supporting materials.* All applications for large solar energy systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - (1) All requirements for a site plan contained in article XVII of the Leroy Township [Zoning] Code unless inconsistent with this section, in which case the requirements of this section shall prevail.
 - (2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system.
 - (3) Names of owners of each lot or parcel with Leroy Township that is proposed to be within the large solar energy system.
 - (4) Vicinity map showing the location of all surrounding land uses.
 - (5) Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a large solar energy system.
 - (6) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines, transmission lines, security fencing, and all above-ground structures and utilities on the property.

- (7) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within solar energy system and within 100 feet of all exterior property lines of the large solar energy system.
 - (8) Proposed setbacks from the solar array(s) to all existing and proposed structures within the large solar energy system.
 - (9) Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the large solar energy system at a minimum of five-foot contours.
 - (10) Access driveways within and to the large solar energy system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to county road department approval and shall be planned so as to minimize the use of lands for that purpose.
 - (11) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the large solar energy system.
 - (12) A written description of the maintenance program to be used for the solar array and other components of the large solar energy system, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system is decommissioned.
 - (13) Planned lightening protection measures.
 - (14) Additional detail(s) and information as required by the conditional use requirements of chapter 38 of the Leroy Township Code of Ordinances, or as required by the planning commission.
- (c) *Application escrow account.* An escrow payment shall be deposited with the township by the applicant when the applicant applies for a conditional use for a large solar energy system. The monetary amount deposited by the applicant in escrow with the township shall be in the amount of \$15,000.00, to cover all reasonable costs and expenses associated with the conditional use review and approval process, which costs shall include, but are not limited to, reasonable fees of the township attorney, township planner, and township engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the conditional use review process, the township may require that the applicant place additional funds into escrow with the township, if the existing escrow amount deposited by the applicant is deemed insufficient by the township. If the escrow account needs replenishing and the applicant refuses to do so within 30 days, the conditional use process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the township must also be complied with by the applicant. The township shall provide a summary of all account activity to the applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the conditional use shall be returned in a timely manner to the applicant.
- (d) *Compliance with the State Construction Code and the National Electric Safety Code.* Construction of a large solar energy system shall comply with the National Electric Safety Code and the State Construction Code as a condition of any conditional use under this section. In the event of a conflict between the State Construction Code and National Electric Safety Code (NESC), the NESC shall prevail.
- (e) *Certified solar array components.* Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization if the similar certification organization is approved by the township, which approval shall not be unreasonably withheld.
- (f) *Height.* Maximum height of a solar array, other collection device, components, or buildings of the large solar energy

system, excluding substation and electrical transmission equipment, shall not exceed 15 feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed 100 feet.

- (g) *Lot size.* A large solar energy system may only be located on one or more parcels with an aggregate minimum area of ten acres or greater.
- (h) *Setbacks.* A minimum setback distance of 50 feet from all exterior property lines of the large solar energy system and existing public roads and railroad rights-of-way shall be required for all buildings and solar arrays, provided that a setback of 75 feet shall be required adjacent to any residential structure.
- (i) *Lot coverage.* A large solar energy system is exempt from maximum lot coverage limitations.
- (j) *Screening/security.* A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six feet in height with a one-foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of a large solar energy system shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large solar energy system from adjacent residential structures, subject to the following requirements:
 - (1) Large solar energy systems shall be exempt from the greenbelt buffer requirements of article XVI.
 - (2) Evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within one year or the next appropriate planting period, whichever comes first.
 - (3) All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the township and the applicant is unable to plant during the installation period, the applicant shall provide the township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half times the cost of any planting deficiencies that the township will hold until the next planting season. After all plantings have occurred, the township shall return the financial guarantee.
 - (4) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this [section] and any conditional use may be subject to revocation.
- (k) *Signage.* No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large solar energy system. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- (l) *Noise.* No component of any large solar energy system shall emit noise exceeding 65 dBA as measured at the exterior property boundary or the existing ROW line.
- (m) *Lighting.* All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- (n) *Distribution, transmission, and interconnection.* All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system, except in areas where technical or physical constraints make it preferable to install equipment above ground. This

requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

- (o) *Abandonment and decommissioning.* Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system and all its components. The applicant shall prepare a decommissioning plan and submit it to the planning commission for review and approval prior to issuance of the conditional use. Under this plan, all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to 42 inches below grade shall be removed offsite for disposal. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of 12 months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original topography within 365 days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. Soil tests shall be required as a part of the decommissioning plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within 365 days of abandonment or decommissioning.
- (1) The applicant shall obtain a surety bond for reclamation in an amount to be determined by township engineer as a condition of site plan approval.
- (2) The township engineer shall be permitted to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond may fluctuate depending on the size of the farm. Once the engineer determines the surety bond amount, the applicant shall obtain a bond in said amount. Posting of the bond may be a condition of site plan approval.
- (3) The surety bond shall remain in place for the length of the leases/contracts.
- (p) *General standards.* The planning commission shall not approve any large solar energy system conditional use unless it finds that all of the general standards for conditional land uses contained in section 38-467 of the Leroy Township Code of Ordinances are met.
- (q) *Approval time limit and extension.* Conditional use and site plan approvals, under this section, shall be valid for one year beginning on the date of township board approval. Once commenced, should construction cease for period of 12 consecutive months, the conditional use and site plan approvals shall be considered null and void. If construction begun prior to the expiration date established by township board approval, the conditional use and site plan approvals shall remain in force as long as construction continues toward a reasonable and steady rate of completion. However, if requested by the applicant prior to the expiration date established by township board approval, the township board may consider an additional one-year period upon showing of good cause for the extension.
- (r) *Conditions and modifications.* Any conditions and modifications approved by the planning commission shall be recorded in the planning commissions' meeting minutes. The planning commission may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two copies of the final approved site plan shall be signed and dated by the chairperson of the planning commission and authorized representative of the applicant. One copy shall be kept on file by the township clerk, and one copy shall be returned to the applicant's authorized representative.
- (s) *Inspection.* The township shall have the right at any reasonable time, to provide a 24-hour notice prior to the desired inspection to the applicant to inspect the premises on which any large solar energy system is located. The township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC, and all other applicable safety guidelines.

- (t) *Maintenance and repair.* Each large solar energy system must be kept and maintained in good repair and condition at all times. If the township zoning administrator determines that a large solar energy system fails to meet the requirements of this section and the conditional use, or that it poses a safety hazard, the zoning administrator, or his or her designee, shall give written notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven days), the safety hazard is not corrected, the applicant is entitled to a hearing before the township board. If the township board determines that the safety hazard requires that the large solar energy system must be shut down, applicant shall immediately shut down the solar energy system and not operate, start, or restart the large solar energy system until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the township's review within 48 hours of such request. Applicant shall keep all sites within the large solar energy system neat, clean, and free of refuse, waste, unsightly, hazardous or unsanitary conditions.
- (u) *Roads.* Any material damages to a public road located within the township resulting from the construction, maintenance, or operation of a large solar energy system shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate county agency a description of the routes to be used by construction and delivery vehicles, as well as a description of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries. The applicant shall abide by all county requirements regarding the use and/or repair of county roads.
- (v) *Continuing security.* If any large solar energy system is approved for construction under this section, applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.
- (1) *Continuing obligations.* Failure to keep any required financial security in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the conditional use permit and this Code of Ordinances and will subject the large solar energy system applicant, owners, and operator to all remedies available to the township, including any enforcement action, civil action, request for injunctive relief, and revocation of the conditional use.
- (w) *Other requirements.* Each large solar energy system shall also comply with all applicable federal, state, and county requirements, in addition to other applicable provisions of the Leroy Township Code of Ordinances.

(Ord. No. 2018-12-02, § 9, 12-18-2018)

Secs. 38-493—38-522. - Reserved.

ARTICLE XVII. - SITE PLAN REVIEW

Footnotes:

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State Law reference— *Submission and approval of site plan, MCL 125.3501.*

Sec. 38-523. - Purpose.

Site plan review is required to provide for consultation and cooperation between the land developer and the planning commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this chapter.

Sec. 38-524. - Development requiring site plan review.

A site plan shall be required where a building permit and/or conditional use permit is required for the erection or structural alterations of a building or dwelling, other than a single-family, two-family or manufactured dwelling or accessory structure, in all zoning districts. A site plan review shall also be required when a land division is requested where an easement or new public street is proposed as a means of access to more than two parcels.

(Ord. of 2-2008)

Sec. 38-525. - Submission and content of site plan.

- (a) Submission for any site plan review required under the provisions of this article shall be made to the township clerk. The clerk will place the site plan review application into the record at the next board of trustee meeting. One complete copy of the plan will be kept in the clerk's office for review by the public and the board of trustees. The township planning commission or zoning administrator may request the assistance, with consent of the township supervisor, of professionals including attorneys, planners, engineers, surveyors, architects and landscape architects. The applicant shall pay the actual cost of the services of such professionals. If a special meeting is requested by the applicant, all costs associated with the special meeting shall be paid by the applicant. A schedule of fees and costs for a special meeting shall be on file with the township clerk. No portion of the application fee or costs for a special meeting shall be returnable to the applicant.
- (b) The planning commission or township board may require, in addition to a site plan, statements which address the environmental, economic, fiscal, or social impact of a development's impact upon the systems or services of the communities.
- (c) The applicant is required to obtain any and all permits, including environmental permits required by any state, federal or local agency. Requirement of submission of proof of such permits may be a condition of final approval of the site plan.
- (d) Each submittal for site plan review shall be accompanied with ten site plans. The application shall at minimum include the following information:
 - (1) The applicant's name, address, email address, and phone number in full.
 - (2) Proof of property ownership and whether there are any purchase options on the property.
 - (3) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - (4) The name, address, email address and telephone number of the owner of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner.
 - (5) The address and or parcel number of the property.
 - (6) Project title.
 - (7) Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, number of stacking spaces (for drive-thru banks, fast food restaurants, etc.), landscaping and related information as pertinent or otherwise required by this chapter.
 - (8) Name, address, email address and telephone number of the developer (if different from the applicant).

- (9) Name, address, email address and telephone number of engineer, architect and/or land surveyor.
- (10) A vicinity map with north point indicated showing general location of the project and encompassing an area not less than five miles in each direction from the proposed project.
- (11) The gross and net acreage of all parcels in the project.
- (12) Current land use and existing structures on the subject parcel, land use and general location of existing structures on adjoining parcels.
- (13) Project completion schedule/development phases.
- (14) Provide a statement indicating where municipal water and sewer lines as well as gas lines are in proximity to the development site.
- (15) The site plan shall consist of an accurate drawing at a scale of one inch equals 100 feet or less.
 - a. *Proposed project area.*
 1. Property lines, dimensions, legal description(s), required setback lines and survey monument locations if located or placed.
 2. North arrow, scale and date.
 3. Existing topographic elevations at two-foot intervals, proposed final grades and direction of drainage flow with plans for on-site containment of water runoff from all on-site improvements. All proposed drainage areas shall meet requirements, if any, of the federal, state, county and local government for on-site containment.
 4. The location and type of existing soils on the site and any certifications of borings.
 5. Location and type of significant existing vegetation indicating whether it will be retained within the project.
 6. Watercourses and water bodies, including county drains and manmade surface drainageways, floodplains and wetlands.
 7. Location of existing and proposed buildings and intended uses thereof, as well as length, width, and height of each building.
 8. Proposed location of accessory structures, buildings and uses, including, but not limited to, flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
 9. Location of existing roads, right-of-way and private easements of record.
 10. Locations of abutting streets and proposed alignment of streets, drives, curb cuts, acceleration and deceleration lanes, including access easements serving the development. If access is off a state or county road, a letter shall be submitted from the regulating agency indicating a plan has been submitted for review.
 11. Locations and design of barrier free access carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.
 12. Location, size, and characteristics of all loading and unloading areas.
 13. Location and design of all sidewalks, walkways and bicycle paths.
 14. Location of water supply lines and/or wells, including fire hydrants, and shutoff valves, and the location and design of waste water lines, cleanout locations, connection points and treatment systems, including on-site solid waste disposal facilities. A letter of approval from the county health department if an existing system will be utilized.

15. Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable TV, telephone, fiber optics and steam.
 16. Proposed location of common open spaces and common facilities if applicable.
 17. Location, size and specifications of all signs and advertising features with cross sections.
 18. Location and specifications for all fences, walls, and other manmade screening features with cross sections.
 19. Location and specifications for all proposed perimeter and internal landscaping and buffering features. For each landscape material, include the proposed size at time of planting. A separate plan showing cross sections of all berms used for perimeter buffering shall be provided.
 20. Location and specifications for any existing or proposed above ground or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by all government authorities.
 21. Identification of any significant views onto or from the site to or from adjoining areas.
 22. Identification of any significant site amenities or unique natural features.
 23. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the plan.
- b. *Adjacent parcels.*
1. Estimated distance of all structures from the property line of the proposed project with existing land use indicated.
 2. Property lines and dimensions within 150 feet of proposed parcel.
- (e) An architectural blueprint of the proposed development shall be prepared for all projects.

Sec. 38-526. - Preliminary review of site plans.

- (a) Upon submission of an application, a site plan and any appropriate fee, the township clerk shall transmit the submission to the zoning administrator. The zoning administrator shall review the application and site plan to determine if the requirements of this article are met. The applicant shall be notified in writing within ten days of submission of the application and site plan of:
- (1) Any deficiencies that will require re-submission with corrections;
 - (2) A written notice stating the date, time and place that the site plan will be reviewed by the planning commission;
 - (3) Additional fees to the application fee authorized under section 38-525(a).
- (b) Property owners within 300 feet of the project property shall receive notice of the review of the site plan by the planning commission at least ten days prior to the scheduled review.

Sec. 38-527. - Review and recommendation of site plans by planning commission.

- (a) Recommendation for approval or disapproval of the site plan shall be issued after review by the township planning commission and within 60 days of final preliminary review by the zoning administrator. All provisions of applicable ordinances must be met and any special conditions imposed by the township planning commission must be incorporated into the recommendation to the township board.
- (b) When impact statements are required by the township planning commission, such statements shall be forwarded to the township board along with the recommendation for approval or disapproval of the site plan.

Sec. 38-528. - Final plan approval by township board.

- (a) The township board shall review the recommendations and impact statement (if required) along with any additional information submitted during site plan review by the planning commission. The township board may impose any such additional requirements related to the impact statements presented or to any special conditions recommended by the planning commission. the township board must approve the site plan prior to issuance of a building permit.
- (b) Site plan approval shall be valid for one year after the date of approval unless a one-time extension is granted by the township board.

Sec. 38-529. - Development requirements.

All site plans shall be consistent with the development standards as specified in this article. A performance bond may be required by the conditions of the site plan in order to ensure completion of the plan.

Sec. 38-530. - Conformity to approved site plan.

- (a) When an applicant receives site plan approval, he must develop the subject property in complete conformity with the approved plan. Approval of the site plan shall be valid for a period of one year. A one-time extension to a site plan approval may be granted by the township board with recommendation by the planning commission for a period not to exceed one year. Procedure for extension shall be as follows:
 - (1) A written request must be filed with the township clerk.
 - (2) The township clerk will forward the request to the zoning administrator for placement on the next available planning commission agenda.
 - (3) The planning commission shall review the request and determine if any significant change has occurred in the immediate project area that would influence their recommendation to the township board for extension approval.
 - (4) The planning commission shall make a recommendation to the township board.
 - (5) The township board will review the recommendation at the next available board meeting.
- (b) If a building permit has not been obtained and the on-site development actually began within one year of the date of approval, the site plan approval shall become void unless the developer/owner files for an extension.

Secs. 38-531—38-553. - Reserved.

ARTICLE XVIII. - RIPARIAN LOT USE REGULATIONS

Footnotes:

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State Law reference— *Inland lakes and streams, MCL 324.30101 et seq.; rights of riparian owner, MCL 324.30111.*

Sec. 38-554. - Intent.

It is the intent of this section to promote the integrity of the lakes within the township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain

the natural beauty of the lakes by minimizing manmade adjustments to the established shorelines. Nothing in this article shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

Sec. 38-555. - Regulations.

In any zoning district where a parcel of land is contiguous to a lake or pond, either natural or manmade, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront only if the following conditions are met:

- (1) That said parcel of land shall contain at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
- (2) That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the state department of environmental quality MIRIS Map, or have otherwise been determined to be wetland by the state department of environmental quality; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
- (3) That in no event shall such parcel of land abut a manmade canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
- (4) That access property, as provided for in and meeting the conditions of this article, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure, or for any commercial or business use.

Sec. 38-556. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access property means a property, parcel, or lot abutting a lake or pond, either natural or manmade, and used or intended to be used, for providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land, regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

Secs. 38-557—38-575. - Reserved.

ARTICLE XIX. - SUBDIVISIONS AND CONDOMINIUMS

Footnotes:

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State Law reference— *Condominium act, MCL 559.101 et seq.; land division act, MCL 560.101 et seq.*

Sec. 38-576. - Purpose.

The purpose of this article is to regulate and control the division of land within the township in order to promote the public safety, health and general welfare.

Sec. 38-577. - Submission of preliminary plat and condominium plan for tentative approval.

Every person, firm or corporation who shall hereafter submit a proposed preliminary plat or condominium plan under Public Act No. 288 of 1967 (MCL 560.101 et seq.) and Public Act No. 59 of 1978 (MCL 559.101 et seq.), to the planning commission and township board for tentative approval, shall submit not less than ten legible copies of said proposed preliminary plat or plan. Said copies must contain, as a minimum, the following information and fees:

- (1) Show relief of area proposed to be platted or divided with not more than two-foot contour intervals.
- (2) Indicate road layout.
- (3) Indicate lot layout, showing size and shape of proposed lots with square feet calculations.
- (4) Indicate whether the proposed plat or plan will be served by a public sewer system or water supply system.
- (5) Indicate the general location and size of any floodplain possibly located within the area to be platted or divided.
- (6) Indicate specifically the methods and design of proposed stormwater disposal. The township encourages incorporating low impact design techniques, please refer to the township technical reference design manual if available.
- (7) When the proprietor owns or plans to acquire and anticipates platting or dividing land, he shall submit, with preliminary plat or plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
- (8) Title documents, to be provided by proprietor.
- (9) A fee, if established by the township board to cover the cost of review.
- (10) The name, address, email address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the plat or condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the plat or plan.
 - c. The developer or proprietor of the plat or condominium project.
- (11) The legal description of the land on which the plat or condominium project will be developed together with appropriate tax identification numbers.
- (12) The acreage content of the land on which the plat or condominium project will be developed.
- (13) The intended use for the project (for example, residential, commercial, industrial, etc.).
- (14) Approximate number of lots or condominium units to be developed on the subject parcel.
- (15) All additional information as listed on the site plan review checklist.

Sec. 38-578. - Planning commission and township board review-preliminary plat; tentative approval; condominium plan; final approval.

Upon receipt of copies of said proposed plat or condominium plan under this article for tentative approval, the planning commission shall forward one copy each to the county planning commission, local soil conservation district and the county road department and/or state department of transportation, where applicable, for recommendation. The planning commission

shall hold a public hearing for the purpose of allowing public comments relative to the plat or plan. Notice of the hearing shall be given as prescribed in section 38-837. The planning commission shall examine the proposed preliminary plat or condominium plan with assistance and review by an engineer or attorney if required and approved by the township supervisor. The township board, upon recommendation by the planning commission, shall determine whether the proposed preliminary plat or condominium plan complies with all township ordinances as well as makes adequate provision of the following:

(1) *Streets.*

- a. Compliance with the county road department standards.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the proposed plat or condominium plan.
- c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat or condominium plan shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the plat or plan shall be so laid out that their use by through traffic will be discouraged.
- d. Where the proposed plat or condominium plan abuts or contains a county primary road and major thoroughfare as defined by the county road department, the planning commission and township board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
- e. Street names should be unique. Commonly used names such as Oak Street, Pine Street, Elm Street, etc., should be avoided to eliminate confusion. Road names are to be approved by the county road department.
- f. All rights-of-way within or abutting such plats or condominium plans shall not be less than 66 feet in width. Permanent dead-end streets in excess of 660 feet in length shall be prohibited. Exceptions may be recommended by the planning commission and may be granted by the township board only where the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- g. A plat or condominium plan or extension of an existing plat or condominium plan or extension of an existing development creating a total of 50 or more lots must be developed so as to provide two or more access streets.

(2) *Lots.*

- a. All lots must comply with the area, width and setback provisions for the district in which the plat or condominium plan is proposed.
- b. Corner lots generally should have extra width to permit appropriate building setback from both streets.

(3) *General provisions.*

- a. Privately held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features which add value to residential development, that enhance the attractiveness of the community such as streams, watercourses, historic spots and similar irreplaceable assets should be preserved insofar as possible in the design of the developments.
- c. Lands unsuitable for building or otherwise determined to be unsuitable for development by the planning commission and township board should not be divided for residential, commercial or industrial purposes. Such lands within a plat or condominium plan may be set aside for other purposes such as parks, open space or common elements.

- d. The planning commission shall review maps of existing and/or proposed electrical or gas utility easements, on r township, which are within 500 feet of the boundary of the proposed plat or plan.
- e. Elevation contours shall not be altered more than two feet as shown on the preliminary plan for any building site unless a licensed professional engineer certifies that the elevation change will not adversely affect the drainage plan for the plat or condominium plan. All roads and drainage infrastructure shall be built in accordance with the county road and the county water resources commissioner and must be approved by a licensed professional engineer bearing their stamp and registration number.
- f. If the planning commission and township board determine that the proposed plat complies with all applicable ordinances and statutes and the provisions set forth above, tentative approval of the preliminary plat shall be granted. Such approval shall be valid for a period of one year from the date of approval.
- g. If the planning commission and township board determine that the site condominium plan as submitted complies with all applicable ordinances and statutes and provisions set forth in section 38-578, final plan approval shall be granted by the township board, subject to the following:
 1. Submission for review to the county board of road commissioners, the county planning director, the county drain commissioner and the county health department.
 2. Copy of review recommendations with approval/non-approval from the named county offices.
 3. Copy of the master deed.
 4. A copy of the restrictive covenants, if any.
 5. A reproducible as-built drawing at a scale of one-inch equals 200 feet or less for township use.
 6. Compliance with section 38-579.
 7. Compliance with section 38-580.

Sec. 38-579. - Submission of preliminary plat for final approval.

Every person, firm or corporation shall submit ten copies of a proposed preliminary plat to the planning commission and township board for final approval. The submittal shall include the following relevant data:

- (1) Evidence that all requirements imposed by the planning commission or township board at the time of granting tentative preliminary approval have been incorporated into the proposed plan.
- (2) Evidence that all governmental reviewing bodies have granted tentative preliminary approval.
- (3) Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat of the planning commission and township board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
- (4) A copy of the restrictive covenants.
- (5) Drawing showing monuments as outlined in this subsection:
 - a. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the plat or plan, if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 - b. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches

long and completely encased in concrete at least four inches in diameter.

- c. Monuments shall be located in the ground at all angles in the boundaries of the plat or plan at all intersection lines of streets, at the intersection of the lines of streets, at the intersection of alleys with the boundaries of the plat or plan; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements, if applicable.
- d. If the required location of a monument is an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
- f. All required monuments shall be placed flush with the ground where practical.
- g. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
- h. The township board may waive the placing of any of the required monuments and markers, not required by law, for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the township treasurer, cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the township selects, in an amount set by the township board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a professional licensed surveyor that the monuments and markers have been placed as required within the time specified.

Sec. 38-580. - Planning commission and township board review-preliminary plat-final approval.

Upon receipt of all required copies of the preliminary plat for final approval under this article, the planning commission and the township board shall examine the preliminary plat with such assistance and review by an engineer or attorney if required and approved by the township supervisor. If the fee for this service exceeds the amount collected under section 38-577, the additional actual costs shall be paid by the proprietor. Upon completing its review, the planning commission and the township board shall determine whether the proposed preliminary plat complies with the requirements imposed by the township at the time of tentative approval; has obtained the required statutory approval of other governmental agencies; and meets any or all of the following requirements:

- (1) All roads shall conform to county road department standards
- (2) Connection to sanitary sewers and/or water mains, if required by the planning commission or township board, when it is determined that the services are reasonably available to the project site.
- (3) The proprietor shall make arrangements for all distribution lines for telephone, electric, cablevision and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the state public service commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. Private easements for underground utilities shall be shown on the preliminary plat or plan.
- (4) Stormwater disposal methods: Zero runoff from site in undeveloped areas, and stormwater treatment is

required when there is existing storm sewer. The township encourages incorporating low impact design techniques, please refer to the township technical reference design manual if available.

- (5) No land within the subdivision may be isolated from a public thoroughfare thereby creating land-locked parcels.
- (6) Street lighting may be required by the planning commission and the township board for public health, safety and welfare.
- (7) Sidewalks may be required by the planning commission and township board when it is determined that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, four feet in width, four inches in depth upon a two-inch minimum sand base with expansion joints set at a minimum of 50 feet. Sidewalks built across driveways shall be constructed of concrete, six inches in depth.
- (8) If the planning commission and the township board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in this section, the township board with recommendation from the planning commission shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from the date of approval the conditional right that the general terms and conditions under which such approval was granted will not be changed. The two-year period may be extended in the discretion of the township board upon recommendation by the planning commission and upon request by the proprietor.

Sec. 38-581. - Submission for final plat approval.

Every person, firm or corporation that shall hereafter submit a proposed final plat to the planning commission for approval shall also submit the following relevant data and fees:

- (1) An abstract of title or title insurance policy showing merchantable title in the proprietor of the land to be subdivided.
- (2) Evidence that all other governmental reviewing agencies have approved the final plat.
- (3) A fee if established by the township board.

Sec. 38-582. - Review by the planning commission and township board for final plat approval.

The following will be considered for final plat approval:

- (1) All monuments required to be placed in the project have either been placed or a performance bond has been received by the township sufficient in amount to ensure completion thereof within the time specified and executed by the proprietors.
- (2) All roads, streets, bridges and culverts have been completed and installed or a performance bond has been received by the township sufficient in amount to ensure completion thereof within the time specified and executed by the proprietors.
- (3) If the project has any waterways or lagoons, etc., as set forth in the land division act that all such waterways, etc., shall be installed or a performance bond has been received by the township sufficient in amount to ensure completion thereof within the time specified and executed by the proprietors.
- (4) If any floodplains are involved in the proposed project, then such floodplains shall be restricted as provided by the land division act (MCL 560.101 et seq.) and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds

contemporaneously with the recording of the plat.

- (5) All utilities serving the plat have been installed, stormwater management techniques are in place and water and sanitary sewer mains have been stubbed to the lot line or a performance bond has been received by the township sufficient in amount to ensure completion thereof within the time specified and executed by the proprietors.
- (6) All underground utilities installations, including lines for street lighting systems, which traverse privately owned property, shall be protected by easements granted by the proprietor and approval by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usual six feet dedicated from each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- (7) All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the planning commission/township board, have been completed and installed or a performance bond has been received by the township sufficient in amount to ensure completion thereof within the time specified and executed by the proprietor.
- (8) The proposed final plat complies with all applicable state statutes and township ordinances and has received the requisite statutory approval of other governmental agencies.
- (9) That the dedication is executed by all required owners.
- (10) That actual costs incurred by the township, over the fee established by the township board have been paid by the proprietor or developer.

Sec. 38-583. - Penalties in case of failure to complete the construction of a public improvement within a plat or condominium project.

If a proprietor under this article shall, in any case, fail to complete such work within such a period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the proprietor has deposited with the township, or the township may take such steps as may be necessary to require performance in accordance with the performance bond executed by the proprietors.

Sec. 38-584. - Variance procedures.

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this article, the zoning board of appeals shall have authority to grant variances so that the spirit of this article shall be observed and public health, safety and welfare secured.

Sec. 38-585. - Current information.

All information shall be furnished to the zoning administrator and shall be kept updated until such time as a zoning certificate of occupancy has been issued.

Sec. 38-586. - Site plans; new projects; master deed; engineering and inspections.

At any time during the review process, the township planning commission may request the assistance, with consent of the township supervisor, of professionals including attorneys, planners, engineers, surveyors, architects and landscape architects. The applicants shall pay the actual cost of the services of such professionals. If a special meeting is requested by the applicant, all costs associated with the special meeting shall be paid by the applicant. A schedule of fees and cost for a special meeting shall be on file with the township clerk. No portion of the application fee or cost for special meeting shall be returned to the applicant. In addition, the township shall require appropriate engineering plans and inspection prior to the issuance of any zoning certificate of occupancy.

Sec. 38-587. - Temporary occupancy.

The zoning administrator may allow occupancy of the plat or condominium project before all improvements required by this article are installed, provided that a performance bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.

Sec. 38-588. - Street standards; inspections.

- (a) All streets located within a final plat or condominium project shall be constructed and paved in accordance with the standards and specifications of the county road department.
- (b) All condominium roads shall be designated and remain common elements as specified in the master deed. The master deed shall contain a clause approved by the township board which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply.
- (c) Prior to issuance of a final zoning certificate of occupancy by the township, the township engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable township ordinances and requirements.

Secs. 38-589—38-609. - Reserved.

ARTICLE XX. - KEEPING OF ANIMALS REGULATIONS

Footnotes:

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State Law reference— *Animal control ordinances, MCL 287.290; crimes related to animals, MCL 750.49 et seq.; wildlife conservation, MCL 324.40101 et seq.*

Sec. 38-610. - Purpose.

The purpose of this section is to regulate the number (density) of animals kept or raised for hobby, pleasure, commercial or other purpose as specified in this section for those districts allowing the keeping or raising of animals. This section seeks to reinforce GAAMPS (Generally Accepted Agricultural and Management Practices) as adopted by the state commission of agriculture whose intent is to allow for environmental protection, social considerations and economic viability of the state farming industry. The township recognizes the desire of its residents to allow animals to be raised or kept for hobby or pleasure but only in those areas and in certain density to prevent a public nuisance.

Sec. 38-611. - Animal classifications.

- (a) *Exotic animals.* Exotic animals are not allowed upon any premises in any zoning district, except in conjunction with the following situations:
- (1) A public zoo or other educational exhibition sponsored by a governmental entity.
 - (2) A bona fide licensed circus.
- (b) *Wild animals.* Wild animals are not allowed to be confined on any premises in any zoning district except in conjunction with the following situations:
- (1) A public zoo or other educational exhibition sponsored by a governmental entity.
 - (2) A bona fide licensed circus.
 - (3) Pursuant to a possession permit issued by the state department of natural resources authorizing temporary noncommercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.
 - (4) A veterinary and animal hospital in the AA—Agricultural District and the RR—Rural Residential District as a conditional use.
- (c) *Domestic animals.* Domestic animals are allowed as follows:
- (1) *AA—Agricultural and the RR—Rural Residential Districts.*
 - a. Dogs or cats for personal, domestic ownership (not for commercial sale) plus a reasonable number of rabbits not creating a nuisance or other detrimental conditions are allowed as an accessory use to a permissible dwelling on the premises.
 - b. Caged, domestic birds; caged, non-venomous snakes and lizards; caged insects; and other caged small domestic animals (such as hamsters, mice, guinea pigs and pot-bellied pigs); and fish, are allowed as an accessory use to a permissible dwelling on the premises.
 - c. A veterinary clinic or animal hospital.
 - d. Domestic animals are also allowed in the same situations designated for wild animals in subsections (a)(1) and (2) of this section.
 - (2) *LDR—Low Density Residential and MDR—Medium Density Residential Districts.*
 - a. Dogs or cats for personal, domestic ownership (not for commercial sale) plus a reasonable number of rabbits not a creating nuisance or other detrimental conditions, are allowed as an accessory use to a permissible dwelling on the premises.
 - b. Caged domestic birds; caged, non-venomous snakes and lizards; caged insects; and other caged, small domestic animals (such as hamsters, mice, guinea pigs and pot-bellied pigs); and fish, are allowed as an accessory use to a permissible dwelling on the premises.
 - (3) *HDR—High Density Residential District.*
 - a. Dogs or cats for personal, domestic ownership (not for commercial sale) are allowed as an accessory use to a permissible dwelling on the premises.
 - b. Caged domestic birds; caged, non-venomous snakes and lizards; caged insects; and other caged, small domestic animals (such as hamsters, mice, guinea pigs and pot-bellied pigs); and fish, are allowed as an accessory use to a permissible dwelling on the premises.
 - (4) *OSC—Open Space Waterbody Conservation District.* Dogs or cats for personal, domestic ownership (not for commercial sale) are allowed as an accessory use to a permissible dwelling on the premises.
 - (5) *NC—Neighborhood Commercial, H—Commercial and IND—Industrial Districts.*

- a. Not more than three confined guard dogs are allowed on any nonresidentially used premises.
 - b. Domestic animals are allowed in conjunction with any use allowed within these districts as to which domestic animals are typically associated.
- (d) *Farm animals.* In any district where farm animals are allowed, the following regulations apply. The keeping of farm animals is a permitted use as part of agriculture or accessory to a permissible dwelling subject to the following requirements:
- (1) The recommendations in the most recent "Generally Accepted Agricultural and Management Practices for Manure Management and Utilization" adopted by the state agriculture commission, and in accordance with generally accepted agricultural and management practices (GAAMPS) for site selection and odor control for new and expanding livestock production facilities and in accordance with such additional rules, regulations and guidelines as may from time to time be established by the state agriculture commission or other appropriate state agency in accordance with Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).
 - (2) Animal manure shall be stored and treated in accordance with recognized applicable standards and specifications including the construction and design standards and specifications set forth in the Midwest Plan Service Livestock Waste Facilities Handbook (MWPS-18) and applicable field office technical guides of the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS).
 - (3) Animal manure may only be transported upon public roads in equipment that is maintained in good condition and constructed and operated to ensure that waste material is not spilled during transportation.
 - (4) Animal manure may be applied to pasture land, set-aside land and cropland only for the purpose of soil nourishment at an agronomic rate as allowed by GAAMPS.
 - (5) Barns or shelters for livestock shall be located at least 150 feet from all existing residences on adjacent properties.
 - (6) Pens for holding livestock and paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
 - (7) Pastures used for livestock shall be located at least 25 feet from all existing residences on adjacent properties.
 - (8) Animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.
 - (9) Unreasonable odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents or the general public.
 - (10) An intensive livestock operation shall also comply with the following additional requirements:
 - a. Before the operation is conducted the owner/operator shall submit a site plan to the zoning administrator with sufficient detail and measurements for the zoning administrator to determine compliance with this article. The site plan shall include the number and type of animals proposed for the operation. The zoning administrator shall then review the site plan and notify the owner/operator within ten days of submission of the application and site plan of:
 1. Any deficiencies that will require resubmission with corrections.
 2. A written notice stating the date, time, and place that the site plan will be reviewed by the planning commission.
 - b. Determination for approval or disapproval of the site plan shall be made by the township planning

commission within 60 days of submission of the site plan to the zoning administrator. Special conditions may be imposed by the township planning commission, including but not limited to, a requirement for vegetative buffering according to the specifications of the planning commission intended to reduce odor to surrounding properties, as well as requirements regarding the parking of vehicles and farm equipment.

- c. Minimum lot area for intensive livestock operations shall be 60 acres.
- d. Before an intensive livestock operation is conducted, the owner/operator shall also have in place and provide to the zoning administrator a state certified comprehensive nutrient management plan.
- e. Before the operation is conducted the owner/operator shall submit sufficient information to the zoning administrator stating that the property upon which the operation is proposed to be sited has sufficient acres of crop land available, utilizing manure nutrients without excess nutrient application to soil or that the owner/operator has a lawful right to use such additional acreage, contiguous or non-contiguous, as may be necessary to ensure that sufficient total land area is available for the application of all animal waste generated by the operation in accordance with the requirements of the GAAMPS. Such ownership and/or use rights shall be documented by deed, long-term lease (seven-year minimum), or written contract filed with the zoning administrator.
- f. All buildings, structures, enclosed areas, feedlots (excluding land used only for pasture purposes), and equipment associated with the conducting of the intensive livestock operation, including animal shelter and waste storage facilities, shall have property line setbacks consistent with those established in the GAAMPS for site selection and odor control for new and expanding livestock facilities.
- g. All buildings and structures associated with the operation, including animal waste storage facilities, shall be designated and constructed in accordance with recognized and applicable standards and specifications, including the standards and specifications set forth in the following documents: "Midwest Plan Service Concrete Manure Storage Handbook" (MWPS-36), natural resources conservation service field office technical guides and other applicable publications setting forth recognized standards and specifications for livestock facilities, including, with respect to solid animal waste storage facilities, the "Midwest Plan Service Livestock Waste Facilities Handbook" (MWPS-18), and all relevant publications referenced therein.
- h. The operation shall at all times comply with the recommendations set forth in the most recent "Generally Accepted Agricultural and Management Practices for Manure Management and Utilization", as well as with the most recent generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock facilities adopted by the state agriculture commission and in accordance with such additional rules, regulations and guidelines as may from time to time be established by the state agriculture commission or other appropriate state agency in accordance with the Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

(11) AA—Agricultural District. In this zoning district, farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this article including the following density:

- a. The premises shall have a lot area of at least two acres and a lot width of at least 200 feet.
- b. The permissible number of farm animals is as follows:

Species	Formula
Slaughter and feeder cattle	One per 2.00 acres

Mature dairy cattle	One per 2.80 acres
Horses	One per 2.00 acres
Swine weighing more than 55 pounds	One per 0.80 acres
Sheep/goats	One per 0.20 acres
Turkeys, chickens and ducks	One per 0.09 acres

(12) RR—Rural-Residential District. In this zoning district farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this article, including the following density, setback and other requirements:

- a. The premises shall have a lot area of at least two acres and a lot width of at least 200 feet.
- b. The permissible number of farm animals is as follows:

Species	Formula
Slaughter and feeder cattle	One per 3.00 acres
Mature dairy cattle	One per 4.20 acres
Horses	One per 3.00 acres
Swine weighing more than 55 pounds	One per 1.20 acres
Sheep/goats	One per 0.30 acres
Turkeys, chickens and ducks	One per 0.09 acres

(13) LDR—Low Density Residential District. In this zoning district, farm animals are allowed as an accessory use to a dwelling on the premises, subject to all applicable provisions of this article, including the following density, setback, and other requirements:

- a. The premises shall have a lot area of at least two acres and a lot width of at least 200 feet.
- b. The permissible number of large farm animals is as follows:

Species	Formula
Slaughter and feeder cattle	One per 5.00 acres

Mature dairy cattle	One per 7.00 acres
Horses	One per 5.00 acres
Swine weighing more than 55 pounds	One per 2.00 acres
Sheep/goats	One per 0.50 acres
Turkeys, chickens and ducks	One per 0.10 acres

- (14) MDR—Medium Density Residential and HDR—High Density Residential Districts. In these zoning districts, farm animals are not allowed.
- (15) NC—Neighborhood Commercial, HC—Highway Commercial and Industrial—IND Districts. In these zoning districts, farm animals are not allowed, except in conjunction with permissible agricultural pursuits.
- (16) OSC—Open Space Waterbody Conservation District. Farm animals are allowed in this district subject to the restrictions of [section 38-359](#).

(Ord. No. [2017-10-01](#), § 1, 10-17-2017)

Sec. 38-612. - Urban livestock.

(a) In addition to livestock otherwise allowed in the AA-Agricultural, RR-Rural Residential, LDR-Low Density Residential, and MDR-Medium Density Residential Zoning Districts, urban livestock outlined herein is permitted on single and two-family residential parcels when accessory to a permitted residential use, providing they are housed at the premises that is residentially occupied by the owner of the livestock. The care and keeping of urban livestock is subject to restrictions outlined herein, and is also subject to the accessory buildings, fencing, and nuisance provisions of the Leroy Township Code.

(b) *Animal units/property size.*

- (1) The number of urban livestock permitted to be housed at each property will be determined by calculating the allowable animal units (au) based on parcel size. For purposes of this chapter, the following permitted livestock equate to the animal units listed:

Animal Type	Associated Animal Units
Hen	1 au

- (2) The number of urban livestock permitted shall be limited to the total square footage of a parcel outlined herein:

Lot Size	Permitted Animal Units
10,000—14,999 sq. ft.	4 au

15,000—29,999 sq. ft.	6 au
30,000—43,559 sq. ft.	8 au
43,560 sq. ft. (one acre)	10 au

(c) The following regulations apply based upon the type of urban livestock being housed on a property. In no instance shall urban livestock be kept within 100 feet of any well, spring, or stream:

(1) Hens may be kept subject to the following requirements:

- a. Hens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least ten square feet of space for each hen. The enclosure must be of sufficient type, height, and strength to secure the hens and reasonably assure that they will not escape. The enclosure must be at least 20 feet from all adjacent property lines and 40 feet from residential structures located on adjacent properties. The area within the enclosure must be well drained and free from standing water.
- b. There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least two square feet per hen, nesting boxes for each three hens, 12 inches of roost per hen, and provides access to the outdoor portion of the enclosure. A coop shall not exceed eight feet in height.
- c. Hens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the hens.
- d. Roosters are expressly prohibited, regardless of the age or maturity of the bird.

(d) *Maintenance and care.*

- (1) All premises on which urban livestock is housed shall be kept clean from filth, garbage, and any substance that attracts rodents. The enclosures and structures shall be clean and sanitary, and odors from animals, manure, or other animal related items shall not be perceptible at the property boundaries.
 - (2) A sufficient quantity of fresh feed, water, and bedding must be provided for the number and type of urban livestock on a parcel.
 - (3) Feed must be stored in a rodent-proof and weather resistant container located off the ground and in a cool dry place not accessible to animals.
 - (4) Urban livestock shall not be allowed to run loose beyond the confines of the rear yard of the premises housing the animals.
 - (5) Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves and located 20 feet from all adjoining property lines, or stored in a sealed container until it is removed from the property.
 - (6) On-site slaughtering of any urban livestock is prohibited.
- (e) Any person who violates or fails to comply with any of the provisions of this chapter will be subject to the penalties established by section 38-772 of this chapter.

(Ord. No. 2018-12-02, § 4, 12-18-2018)

ARTICLE XXI. - NONCONFORMING USES

Footnotes:

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State Law reference— *Nonconforming uses or structures, MCL 125.3208.*

Sec. 38-641. - Nonconforming uses.

The use of properties and buildings which are on record and conforming at the effective date of the ordinance from which this article is derived shall be treated as though they are conforming uses as long as their size and use remains as it was at the effective date of the ordinance from which this article is derived, even though such use does not conform with the provisions of this article or any amendment thereto.

- (1) No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this article is derived.
- (2) No nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this article is derived.
- (3) Any nonconforming use may be extended throughout any parts of a building designed for such use at the time of adoption or amendment of the ordinance from which this article is derived, but no such use shall be extended to occupy any land outside such building.
- (4) No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, moved or structurally altered unless it is changed to a use permitted in the district in which it is located.
- (5) A nonconforming use may be changed to another nonconforming use as a conditional use if the planning commission finds that such new use would decrease the degree of nonconformance and would not adversely affect adjacent property owners of the township for reasons of health, safety or general welfare. Whenever a nonconforming use is changed to a more conforming use, such use shall not thereafter revert to the prior nonconforming use.
- (6) If a nonconforming use is discontinued for a period of one year or more, it may not thereafter be continued. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

Sec. 38-642. - Nonconforming buildings or structures.

The properties and buildings which are on record at the effective date of the ordinance from which this article is derived shall be treated as though they are conforming properties and buildings as long as their size and use remains as it was at the effective date of the ordinance from which this article is derived, except as allowed within this section even though such building or structure does not conform with the provisions of this article or any amendments thereto.

- (1) No nonconforming structure may be enlarged or altered closer than the existing structure's front, side or rear line. No nonconforming structure may be enlarged or altered if the existing structure's front, side or rear line is closer than one-half the required setback for the district the structure is located in.
- (2) Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- (3) Repairs and maintenance work required to keep a nonconforming structure in sound condition may be made.
- (4) A structure or use damaged by the elements, public enemy, or other casualty may be rebuilt or restored to its size prior to such damage and its use resumed.
- (5) Any building or structure shall be considered existing and lawful and, for the purposes of this section, to have been in use for the purpose for which constructed if, on the effective date of the ordinance from which this this article is derived, a building permit has been obtained therefor, if any effort has been made toward construction, and if construction is completed within a 12-month period.

Sec. 38-643. - Nonconforming lots.

- (a) A lot that is platted or on record as of the effective date of the ordinance from which this this article is derived shall be treated as though it is conforming as long as the size and use remains as it was at the date of this article.
- (b) Where two or more nonconforming lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this article.

Secs. 38-644—38-674. - Reserved.

ARTICLE XXII. - SIGN REGULATIONS

Footnotes:

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State Law reference— *Highway advertising act, MCL 252.301 et seq.*

Sec. 38-675. - General sign regulations.

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, may interfere with, obstruct the view of, be confused with any authorized traffic sign, signal, or device 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.

Sec. 38-676. - Permitted signs in AA and OSC Districts.

In the AA—Agricultural and OSC—Open Space and Waterbody Conservation Districts, only one sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- (1) One non-illuminated sign advertising the sale or rental of the building or premises not exceeding 16 square feet in area and placed no nearer to the road right-of-way than five feet.
- (2) Non-illuminated no trespassing, safety, directional, caution or announcement signs each not exceeding two square feet in area.
- (3) One non-illuminated sign announcing a home occupation, service or produce offered on the premises, provided that such a sign shall not exceed 12 square feet in area, and shall be attached flat against a building wall.
- (4) One sign or bulletin board identifying a church, school, park or other authorized use not to exceed 72 square feet in area with a maximum text area of 40 square feet, placed no nearer than five 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.
- (5) One sign identifying a residential development, not having commercial connotations, not to exceed 72 square

feet in area with a maximum text area of 40 square feet, placed no nearer than five 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

Sec. 38-677. - Permitted signs in residential districts.

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

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

Sec. 38-678. - Permitted signs in commercial and industrial districts.

A sign in any 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:

- (1) 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 48 inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least 12 feet above finished grade. The total sign area shall not exceed one square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four feet in height above the building to which it is affixed.
- (2) 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 square foot for each foot of building frontage, however, it shall not exceed 200 square feet in area, nor be closer to the front, side or rear property line than one-third the distance of the required building setback.
- (3) One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed 80 square feet in area, except in NC— Neighborhood Commercial District. Such sign shall not exceed 36 square feet in area, nor be closer to the front, side or rear property line, than one-third the distance of the required building setback.
- (4) 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. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

Sec. 38-679. - Outdoor advertising signs.

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- (1) Outdoor advertising signs (billboards) are permitted only in the agricultural, commercial and industrial districts.
- (2) Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- (3) Where two or more outdoor advertising signs are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- (4) The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed 200 square feet.
- (5) No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- (6) Outdoor advertising signs may be illuminated by reflected light only, 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 a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- (7) Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- (8) Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

State Law reference— Highway advertising act, MCL 252.301 et seq.

Sec. 38-680. - Signs for gasoline service stations.

Notwithstanding other provisions of this article, one permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of 16 feet other than necessary supports, and not exceeding 25 square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

Sec. 38-681. - Conditional use signs—M-66 Viewshed.

All signs designed to be read by the traveling public on M-66 shall be deemed to be within the M-66 Viewshed and are subject to a conditional use permit as provided under article XVI of this chapter, except for traffic control signs placed by authority of the state department of transportation. The siting/location, grading, size, height, design color/LRV (light reflectivity value) and landscaping of the proposed project shall be consistent with and in harmony with its surroundings.

(Ord. of 2-2008)

Sec. 38-682. - Elimination of nonconforming signs.

All signs and billboards erected after the effective date of the ordinance from which this article is derived shall conform to the regulations as set forth in this article and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three years from the

effective date of the ordinance from which this article is derived. If the owner of said sign fails to remove such nonconforming sign or billboard it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this chapter.

Secs. 38-683—38-707. - Reserved.

ARTICLE XXIII. - PARKING AND LOADING REQUIREMENTS

Sec. 38-708. - Off-street parking.

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential or other use, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- (1) Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the building inspector for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof except that this distance shall not exceed 150 feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- (2) No parking area or parking space which exists at the time the ordinance from which this article is derived becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this article shall thereafter be relinquished or reduced in any manner below the requirements established by this article, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this article within 300 feet of the proposed or existing uses for which such parking will be available.
- (3) Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, one recreational vehicle as defined in article III of this chapter and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths-ton shall be permitted per dwelling unit. The parking of any other 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 garage or parking areas conforming to the provisions of this article.

(Ord. of 2-2008)

- (4) Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten 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:
 - a. For 90-degree or perpendicular parking, the aisle shall not be less than 22 feet in width.
 - b. For 60-degree parking, the aisle shall not be less than 18 feet in width.
 - c. For 45-degree parking, the aisle shall not be less than 13 feet in width.
 - d. For parallel parking, the aisle shall not be less than ten feet in width.
- (5) Off-street parking facilities required for churches may be reduced by 50 percent where churches are located in nonresidential districts and within 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 of sufficient size to

adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten feet in width and 55 feet in length.

- (6) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
 - a. All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 - b. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 - c. 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.
 - d. Any off-street parking area providing space for five or more vehicles shall be effectively 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 feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - e. 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.
 - f. Combined parking facilities are allowed when two or more uses occur on one property or when a building on one property contains 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 article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- (7) Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in article XXII of this chapter.
- (8) A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- (9) 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, penthouses, 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 18 inches of such seating facilities shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - c. *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space. Any fraction up to and including one-half shall require one parking space.
 - d. *Minimum number of spaces.* The minimum required off-street parking spaces shall be set forth as follows:

Use	Parking Space Requirements
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Automobile or machinery sales service garages	One space for each 200 square feet of showroom floor area plus two spaces for each service bay plus one space for each two employees on the maximum shift
Banks, business and professional office	Two parking spaces for each 200 square feet of floor area plus one parking space for each employee working within the building
Barbershops and beauty parlors	Two spaces for each chair plus one space for each employee
Boardinghouses and lodginghouses, for fraternities	Two parking spaces for each three beds
Bowling alleys	Five parking spaces for each alley plus one space for each employee per shift.
Churches, auditoriums, stadiums, theaters, dance, halls other than schools	One space for each four sports arenas, four seats or for each four halls, assembly persons permitted in such edifice as stated by the fire marshal
Clinics	Four spaces for each doctor plus one space for each employee per shift
Convalescent home, orphanage or similar use	One parking space for each four beds plus one space for each two employees, including nurses, per shift
Drive-in banks, cleaners and similar businesses	Storage space for five cars between the sidewalk area and the service window and one parking space for each two employees
Drive-in eating establishments	Ten parking spaces, plus one parking space for each 20 square feet of floor area
Dwellings (single- and two-family)	Two parking spaces for each family dwelling unit
Dwellings (multiple family)	Two parking spaces per dwelling unit
Funeral homes and mortuaries	Four spaces for each slumber room or one space for each 50 square feet of floor area, whichever is greater, plus one space for each fleet vehicle
Furniture, appliance stores, household equipment and furniture repair shops	One space for each 400 square feet of floor area

Gasoline filling and service stations	One parking space for repair and service stall, one parking space for each employee per shift.
General office building	One parking space for each 400 square feet of gross floor area excluding auto parking within or on the building plus one parking space per two employees per shift
Home occupation	Five spaces plus one space for each 25 square feet of floor area (Ord. of 2-2008)
Hospitals	One space for each bed plus one space for each two employees
Hotels, motels, lodginghouses, boarding homes	One space for each living unit plus one space for each two employees per shift
Libraries, museums, post offices	One parking space for each 800 square feet of floor area plus one parking space for each two employees per shift
Livestock auction	Two square feet of parking area for each one 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 space for each two employees on maximum shift
Restaurants, beer parlors, taverns, night clubs and private clubs	One parking space for each four patron seats, plus one parking space for each two employees per shift
Retail stores, except as otherwise specified herein	One parking space for each 150 square feet of floor area excluding auto parking space within or on the building
Roadside stands	Five parking spaces plus one parking space for each 25 square feet of floor area
Schools, private or public elementary and junior high schools	One space for each employee normally engaged in or about the building or grounds plus one space for each 30 students enrolled
Senior high school and institutions	One parking space for each employee (including high learning, private or public teachers and administrators) plus one for each ten students in addition to the requirement of the auditorium

Self-service laundry or dry cleaning stores	One space for each washing and/or dry cleaning machines
Supermarket, self-service food discount stores	Two spaces for each 200 square and feet of floor area plus one space for each two employees per shift
Wholesale establishments and warehouses	One space for each 400 square feet of floor area plus one space for each two employees

Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Sec. 38-709. - Loading/unloading requirements.

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be 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.

- (1) 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.
- (2) Each off-street loading/unloading space shall not be less than the following:
 - a. In a residential district a loading/unloading space shall not be less than ten feet in width and 25 feet in length and if a roofed space, not less than 14 feet in height.
 - b. In any commercial or industrial district, a loading/unloading space shall not be less than ten feet in width and 55 feet in length, and if a roofed space not less than 15 feet in height.
- (3) Subject to the limitations of subsection (4) of this section, 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 a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- (4) Any loading/unloading space shall not be closer than 50 feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height.
- (5) 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.
- (6) All off-street loading/unloading facilities that make it necessary to back out directly into public road shall be prohibited.
- (7) Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or 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.
- (8) 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 vehicles, the uses having over 5,000 square feet of gross floor area shall be provided with at least

one off-street loading/unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one additional loading/unloading space, the size of such loading/unloading space subject to the provisions of this article.

(9) Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

Secs. 38-710—38-731. - Reserved.

ARTICLE XXIV. - PLANNING COMMISSION RESPONSIBILITIES

Footnotes:

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State Law reference— *Michigan planning enabling act, MCL 125.3801 et seq.*

Sec. 38-732. - Establishment; powers and duties.

The township planning commission heretofore created in accordance with Public Act No. 285 of 1931, is hereby continued pursuant to sections 11 and 81 of Public Act No. 33 of 2008 (MCL 125.3811 and MCL 125.3881). The commission shall have all of the powers and shall be charged with all of the duties set forth in Public Act No. 33 of 2008 (MCL 125.3801 et seq.). The commission shall further have all the powers and duties now or hereafter conferred upon such commissions by the law of the state.

Sec. 38-733. - Membership; compensation; other offices.

- (a) The planning commission shall consist of seven members appointed by the township supervisor, subject to the approval by a majority vote of the township board elected and serving. One member of the township board or the township supervisor, or both, may be appointed to the planning commission, as ex officio members. Except as provided in this subsection, an elected officer of the township or employee of the township is not eligible to be a member of the planning commission.
- (b) The term of an ex officio member of the planning commission shall be as follows:
 - (1) The term of the township supervisor shall correspond to his term as supervisor.
 - (2) The term of a member of the township board shall expire with his term on the board.
- (c) Members of the planning commission other than ex officio members shall be appointed for three-year terms or until his successor takes office.
- (d) The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire territory of the township to the extent practicable.
- (e) Members of the planning commission shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township.
- (f) Members of the planning commission may be compensated if so determined by the township board.

Sec. 38-734. - Removal of members; conflict of interest.

- (a) The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance of office upon written charges and after a public hearing.
- (b) Before casting a vote on a matter upon which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission.
- (c) Failure of a member to disclose a potential conflict of interest as required by this section constitutes a malfeasance of office.
- (d) The planning commission shall define conflict of interest in its bylaws.

Sec. 38-735. - Vacancies.

Vacancies occurring other than through the expiration of term shall be filled for the unexpired term in the same manner as provided for in original appointment.

Sec. 38-736. - Chairperson; meetings; rules; records; bylaws; annual report.

The planning commission shall elect a chairperson, vice chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be one year, with opportunity for reelection as specified in bylaws adopted by the planning commission. The planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. The planning commission shall also make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. The commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. It shall adopt rules for the transaction of business set out in its bylaws.

Sec. 38-737. - Preparation and adoption of master plan.

- (a) The planning commission shall make and approve a master plan as a guide for development within the township subject to MCL 125.3881. The planning commission may include any areas outside the township boundaries that, in the planning commission's judgment, are related to the planning of the township.
- (b) In the preparation of the master plan, the planning commission shall do all of the following, as applicable:
 - (1) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.
 - (2) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.
 - (3) Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the township's programs with these agencies.

Sec. 38-738. - Additional duties.

The planning commission shall:

- (1) Promptly make records available to the freedom of information coordinator in response to a request under the

freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.) in order to permit the freedom of information coordinator to timely respond to a request.

- (2) Review plans submitted by the township board for public infrastructure improvements for compliance with the future land use plan.
- (3) Make recommendations to the township board regarding:
 - a. Zoning text amendments.
 - b. Zoning district changes.
 - c. Conditional use permits.
 - d. Any other matter as specified in this chapter.
 - e. Any other matters as referred to the planning commission by the township board, including review of subdivisions and other land uses regulated under a board ordinance.

Secs. 38-739—38-759. - Reserved.

ARTICLE XXV. - ADMINISTRATION AND ENFORCEMENT

Sec. 38-760. - Purpose.

It is the purpose of this article to provide the procedures for the administration of this chapter, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this chapter and amendments thereto.

Sec. 38-761. - Administration.

- (a) The provisions of this article shall be administered by the township planning commission and the township board in accordance with the Michigan planning enabling act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), and the Michigan zoning enabling act, Public Act No. 206 of 110 (MCL 125.3101 et seq.).

(Ord. of 2-2008)

- (b) The township board shall designate a zoning administrator to act as its officer to effect proper administration of this chapter (MCL 125.3407). The individual selected, the terms of employment (if any), and the rate of compensation (if any), shall be established by the township board. For the purpose of this article, the zoning administrator shall have the powers of a police officer.

(Ord. of 2-2008)

- (c) In the absence of the zoning administrator, the township supervisor, or other township officer as designated by the township board, shall assume all the powers and duties of the zoning administrator.

Sec. 38-762. - Duties of the zoning administrator.

- (a) The zoning administrator shall review all applications for building permits, shall approve or disapprove such applications based on compliance with the provisions of this article if the use and the requirements of this chapter are met.
- (b) The zoning structure, review will be completed within 15 business days based on compliance with the provisions of

the state construction code.

- (c) Conduct necessary inspections as specified in section 38-769.
- (d) The building inspector shall 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 building inspector shall maintain and post monthly a list in the township hall of all building permits issued.
- (e) Maintain, at the township office, written records of all actions taken by the building inspector.

Sec. 38-763. - Zoning permits; and compliance required.

Zoning review and approval must be obtained before any work, excavations, erection, placement, alteration or movement whether or not a building permit is required. Satisfactory evidence of ownership of the lot or premises may be required by the zoning administrator and shall be furnished upon request. If the work proposed requires a building permit, the zoning administrator shall so mark the application with his signature and file with the building department clerk.

Sec. 38-764. - Building permit application.

- (a) *Contents of the application.* Each application shall include such reasonable information as may be requested by the zoning administrator and building inspector in order to determine compliance with the terms and provisions of this chapter and the single state construction code. The application will include, as a minimum, the following information:
 - (1) The location and actual dimensions of the lot or premises to which the permit is to apply;
 - (2) The kind of buildings or structures to which the permit is to apply;
 - (3) The location of all buildings or structures upon the lot;
 - (4) The type of use to be made of the building or structure to which the permit is to apply;
 - (5) The estimated cost of the building or structure.

The zoning administrator, in his discretion, may waive the inclusion of any of the foregoing information in an application if he shall determine that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this chapter.

- (b) *Planning commission approval.* When the terms and provisions of this chapter require authorization by the planning commission as a conditional use, a formal statement of action and a copy of the minutes will be provided to the township clerk.
- (c) *Review of building permit application.* Within five days after receipt of the application, the zoning administrator shall either:
 - (1) Mark the application approved, if the proposed work is in conformance with the terms and provisions of this chapter; or
 - (2) Deny zoning approval with the reason or causes for such denial in writing upon the application and forwarded to the building inspector.

Sec. 38-765. - Duties of the building inspector.

- (a) The building inspector shall review all applications for building permits and approve or disapprove such applications within ten business days except in case of an unusually complicated building or permit.
- (b) The building inspector shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared.

- (c) The building inspector may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by applicant or his agent or in violation of any of the ordinances or regulations of the township.

Sec. 38-766. - Building permit.

- (a) *Building permit requirements.* A building permit is required for and shall be obtained after the effective date of the ordinance from which this chapter is derived from the office of the building inspector or his agent by the owner or his agent for the following conditions:
 - (1) The construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for residential, commercial or industrial purposes.
 - (2) Accessory buildings 200 square feet or more.
 - (3) Repairs or alterations which change the use, occupancy, area, structural strength, fire hazard, fire protection or exits.
- (b) *Issuance of permit.* If the information shown on the application is in compliance with the requirements and provisions of this chapter, the building inspector shall issue a building permit upon payment of the required building permit fee.

Sec. 38-767. - Fees, charges and expenses.

The township board shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits. The schedule of fees will be posted in the office of the township clerk, and may be altered or amended only by the township board. No permit will be issued until such costs, charges, fees or expenses listed have been paid in full.

Sec. 38-768. - Voiding of permit.

- (a) Any building permit granted under this section shall be null and void unless the development proposed shall have its first inspection within 90 days from the date of the granting. The administrator shall receive from the township clerk all applications related to the administration of this chapter; shall prepare maps, charts, and other pictorial materials when necessary or desirable; shall otherwise process applications so as to formulate recommendations; and shall notify the applicant, in writing, of any decision of the zoning board of appeals.
- (b) The zoning administrator shall be responsible for updating the township zoning map and for keeping it current.
- (c) The zoning administrator shall maintain at the township office written records of all actions taken by the zoning administrator.
- (d) The zoning administrator shall be responsible for providing forms necessary for the various applications to the planning commission, township board, or zoning board of appeals as required by this chapter and will be responsible for what information is necessary on such forms for the effective administration of this chapter, subject to the general policies of the township board, planning commission and zoning board of appeals.

Sec. 38-769. - Inspection of buildings and structures.

- (a) As work progresses under a permit, the holder thereof or his authorized agent shall cause the building inspector to be notified at the following stages of construction:
 - (1) Prior to pouring of the footing and foundation walls.
 - (2) Upon completion of the rough frame of the building or structure and after mechanical, plumbing and electrical rough inspections are completed.
 - (3) Upon total completion of the work authorized by the permit and before occupancy.

- (b) Should the building permit holder fail to comply with the requirements of the building inspector at any inspection stage, the building inspector shall make report in writing of such failure to the township clerk. 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 cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this chapter have been met.
- (c) Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

Sec. 38-770. - Expiration of permits.

A permit for any building or structure for which all construction work has not been completed within one year from the date of its issuance shall expire automatically; a permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable once for additional term of 180 days, upon payment of one-half of the original permit fee. A minimum reissue fee shall be determined by the township board.

Sec. 38-771. - Violations; nuisance per se.

Nuisance per se, except as otherwise provided by law, is a use of land or a dwelling, building or structure, including a tent or recreational vehicle, used, erected, altered, razed or converted in violation of this chapter or any regulation adopted under Public Act No. 110 of 2006 (MCL 125.3101 et seq.) as a nuisance per se. A court having jurisdiction shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent or recreational vehicle, or land is liable for maintaining a nuisance per se.

(Ord. of 2-2008)

State Law reference— Similar provisions, MCL 125.3407.

Sec. 38-772. - Penalties.

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this chapter or any amendment thereof, is responsible for a Class D municipal civil infraction and shall be subject to civil fines provided in section 20-27. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The township board, the township planning commission, the township building inspector, the board of appeals, the attorney of the township or any owner or owners of real estate with the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Secs. 38-773—38-797. - Reserved.

ARTICLE XXVI. - ZONING BOARD OF APPEALS

Footnotes:

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State Law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 38-798. - Board of appeals established.

There is hereby established a board of appeals, which shall perform its duties and exercise its powers as provided by section 603 of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3603), in such a way that the objectives of this chapter shall be enforced, the public health and safety secured and substantial justice done.

(Ord. of 2-2008)

Sec. 38-799. - Membership; terms of office.

The board of appeals shall consist of three members. The first member of such board of appeals shall be a member of the township planning commission, for the terms of his office; the remaining members shall be selected from among the electors residing in the unincorporated area of the township for a term of three years. One member may be selected from the township board but shall not serve as chairperson of the zoning board of appeals. An employee or contractor for the township may not serve. The members selected shall be representative of the population distribution and of the various interests present in the township. The township board may appoint no more than two alternate members for the same term as regular members. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

(Ord. of 2-2008)

Sec. 38-800. - 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 chapter or to effect any variation in this chapter.

Sec. 38-801. - Meetings.

Meetings of the board of appeals shall be held at the call of the chairman, and at such other times as the board in its rules of procedure may specify.

Sec. 38-802. - Public meetings and minutes.

- (a) All meetings of the board of appeals shall be open to the public. Minutes shall be recorded of all proceedings that 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 and such determination from 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.
- (b) The township clerk or zoning administrator 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.

Sec. 38-803. - Powers and duties.

The board of appeals shall have powers to interpret the provisions of this chapter, to grant variances from the strict application of any provision of this chapter.

Sec. 38-804. - Variance.

A variance from the terms of this chapter shall not be granted by the board of appeals unless and until:

- (1) A written application for a variance is submitted and testimony is given by applicant or his representative, demonstrating that:
 - a. The applicant is confronted with practical difficulties as a result of special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

(Ord. of 2-2008)

- b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
 - d. No nonconforming 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.
- (2) Following receipt of a written request concerning a request for variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as follows:

(Ord. of 2-2008)

- a. Publish notice of the request in a newspaper of general circulation in the township not less than 15 days before the date of the hearing;
 - b. Notice shall also be given as provided under subsection (2)c of this section to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (2)c of this section to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 - c. The notice under subsection (2)b of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- d. The notice shall do all the following:
1. Describe the nature of the request;
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 3. State when and where the request will be considered;
 4. Indicate when and where written comments will be received concerning the request.
- (4) The board of appeals shall further make a finding that the reasons set forth in the application or by testimony of the applicant or his representative, 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.
- (5) 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 chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (6) In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. 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 chapter, and punishable under section 38-772.
- (7) Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this chapter in said district.

Sec. 38-805. - Voiding of and reapplication for variance.

The following provisions shall apply:

- (1) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by such variance or permit has been commenced within 90 days after the granting of such variance and pursued diligently to completion.
- (2) 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 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.

Sec. 38-806. - Procedure for appealing to the board of appeals.

The following provisions shall apply:

- (1) *Appeals, how taken.* Appeals from the ruling of the township zoning administrator may be made to the board of appeals in the following manner:
 - a. Any person, firm or agent making an appeal shall file with the officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The township clerk shall forward a copy of the application to the zoning administrator.

(Ord. of 2-2008)

- b. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(Ord. of 2-2008)

- (2) *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.
- (3) *Fee for appeal.* A fee prescribed by the township board shall be submitted to the township clerk or treasurer at the time of filing the application. The appeals fee shall immediately be placed in the township general fund.
- (4) *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 appeal 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.
- (5) *Hearing by the board of appeals; request; notice; hearing.* Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as follows:
 - a. Publish notice of the request in a newspaper of general circulation in the township not less than 15 days before the date of the hearing;
 - b. Notice shall also be given as provided under subsection (5)c of this section to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (5)c of this section to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 - c. The notice under subsection (5)b of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. However, if the request does not involve a specific parcel of property, notice need only be published as provided above and given to the person making the request.
 - d. The notice shall do all the following:
 1. Describe the nature of the request;
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 3. State when and where the request will be considered;
 4. Indicate when and where written comments will be received concerning the request.

(Ord. of 2-2008)

- (6) *Representation at hearing.* Upon the hearing, any party or parties shall appear in person or by agent or by attorney.
- (7) *Decisions 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 appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the zoning administrator from whom the appeal is taken. The board of appeals' decision of such appeals shall be in the form of minutes 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 decision shall have the right to appeal to the circuit court on questions of law and fact.

(Ord. of 2-2008)

Secs. 38-807—38-835. - Reserved.

ARTICLE XXVII. - AMENDMENT PROCEDURE

Footnotes:

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State Law reference— *Adoption procedure, MCL 125.3401 et seq.*

Sec. 38-836. - Initiating amendments and fees.

- (a) 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 submission of application pay a fee. A schedule of fees and cost for a special meeting shall be on file with the township clerk. The planning commission may also request the assistance, with consent of the township supervisor, of professionals including attorneys, planners, engineers, surveyors, architects and landscape architects. The applicant shall pay the actual cost of the services of such professionals. If a special meeting is requested by the applicant, all costs associated with the special meeting shall be paid by the applicant. No portion of the application fee or cost of a special meeting shall be returnable to the petitioner.
- (b) Nothing within this section shall prohibit any person from attending a planning commission or township board meeting and expressing a need for amendment for the public health, safety and welfare of all township residents without the need for formal petition. Opinions expressed by the board or planning commission prior to or during the course of a public hearing shall not be binding upon final decision for amendment.

Sec. 38-837. - Amendment procedure.

The procedure for making amendments to this chapter shall be as follows:

- (1) Each petition for amendment initiated by one or more owners of property shall be submitted to the township board who shall refer it for recommended action to the planning commission.
- (2) Before deliberations on any proposal, the township planning commission shall conduct at least one public

hearing, notice of which shall be given in the following manner:

(Ord. of 2-2008)

- a. If an individual property or ten or fewer adjacent properties are proposed for re-zoning, the planning commission shall give notice of the proposed re-zoning by:

(Ord. of 2-2008)

1. Publishing notice of the request in a newspaper of general circulation in the township not less than 15 days before the date of the hearing;
 2. Notice shall also be given as provided under subsection (2)a.3 of this section to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (2)a.3 of this section to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 3. The notice under subsection (2)a.2 of this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
 4. The notice shall do all of the following:
 - (i) Describe the nature of the request;
 - (ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;
 - (iii) State when and where the request will be considered;
 - (iv) Indicate when and where written comments will be received concerning the request.
- b. If 11 or more adjacent properties are proposed for re-zoning, the planning commission shall give notice of the proposed re-zoning in the same manner as required under subsection (2)a of this section, except for the requirement of subsection (2)a of this section and except that no individual addresses of properties are required to be listed under subsection (2)a.4(ii) of this section.

(Ord. of 2-2008)

- c. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the clerk of the township for purpose of receiving the notice of public hearing.

(Ord. of 2-2008)

- d. A notice under this section shall include the places and times at which the proposed text and any maps of the ordinance may be examined.

(Ord. of 2-2008)

- (3) Upon completion of the public hearings provided above, the proposed amendment or supplement shall be submitted to the county metropolitan planning commission for review and recommendation. The petitioner shall then be returned to the township board by the county metropolitan planning commission for action in accordance with section 307 of Public Act No. 110 of 2006 (MCL 125.3307).

(Ord. of 2-2008)

- (4) Following the public hearing under subsection (2) of this section, the planning commission shall transmit a summary of comments received at its hearing along with its proposed zoning ordinance or amendments, including any zoning maps and recommendations, to the township board. After receiving the proposed ordinance or amendments, the board may hold a public hearing if it considers it necessary or as may otherwise be required. Notice of the hearing to be held shall be given in the same manner as described in subsection (2) of this section. The board may refer any proposed amendment to the planning commission for consideration and comment with a time specified by the board. The board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the clerk of the township. After the public hearing held as allowed under this subsection, the board shall consider and vote upon the adoption of the zoning ordinance with or without amendments. The zoning ordinance and any amendments shall be approved by the majority vote of the members of the board.

(Ord. of 2-2008)

- (5) All provisions of this article shall be subject to the provisions of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), which Act is incorporated herein by reference.

(Ord. of 2-2008)

Sec. 38-838. - Conformance to court decree.

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the township board and the amendments published without referring the same to any other board or agency.