

# MASON TOWNSHIP

## ZONING ORDINANCE

Adopted June 10, 1997  
by the  
Township Board of Mason Township,  
Cass County, Michigan

Effective Date: July 21, 1997

As Amended Through  
Ordinance 12-11-12-03  
January 13, 2013

Updated March 2015

**Summary Table of Amendments  
Through Ordinance 12-11-12-03, January 13, 2013**

02-22-07-01, Feb. 22, 2007	18.23	Funneling / Keyholing
04-10-07-01, April 10, 2007	Preamble	Coordination with Michigan Zoning Enabling Act (MZEA)
	1.02	Coordination of ordinance purpose with MZEA
	2.02	Definition of "home occupation"
	2.02	Definition of "Section 506 Open Space Preservation Development"
	3.01	Coordination of ordinance administration with MZEA
	3.07	Coordination of public hearing notices with MZEA
	4.02	Coordination of ZBA alternate members & removal from office with MZEA
	4.04	Coordination of ZBA jurisdiction with MZEA
	4.05(A)	Prohibition of appeals of SLU and PUD decisions to the ZBA
	4.05(C)	Standards for ZBA variances
	4.06(C)	Coordination of ZBA hearing requirements with MZEA
	4.08(A)	Coordination of ZBA appeals to circuit court with MZEA
	5.04(C) and (E)	Coordination of amendment hearings and procedures with MZEA
	7.01(A)(1)	Coordination of PUD purpose with MZEA
	7.02(D) and (E)	Coordination of SLU hearings & statement of findings with MZEA
	7.03(A)	Coordination of PUD hearings with MZEA
	10.01(C)(14) 10.02(C)(15)	Authorization of Section 506 Open Space Preservation Developments in A-1 and A-2 Districts
	11.01(C)(8), 11.02(C)(8) 11.03(C)(1)	Authorization of Section 506 Open Space Preservation Developments in R-1, R-2, and R-3 Districts
	16.27	Standards for Section 506 Open Space Preservation Developments
12-11-07-01, Dec. 11, 2007	2.02	Definition for Adult Entertainment Business
	12.02	Creation of C-2 Mixed Use M217 Commercial/Residential District
	20.06	Acceleration and deceleration lanes
	21.04(F)	Service drives between parking areas
	22.02	Sign definitions: freestanding, monument, and wall signs
	22.04	Sign standards for commercial and industrial districts
	23.03(10)	Landscape plan submittal requirements
	23.04	Side and rear yard buffer areas for commercial/industrial uses
	23.05	Landscaping requirements for parking and loading areas
	23.06	General site landscaping and street tree requirements
	23.07	Landscape composition requirements (plant size, irrigation, etc.)
	23.09(B)	Screening of substations and outdoor storage areas
	24.02(D)	Deletion of clearing, grading and filling requirements
	24.03(B)	Deletion of storm water management requirements
	24.06	Addition of new section on clearing, grading and storm water management
	Zoning Map	Rezone from R-1 District to C-1 District the east 416' of Parcel 14-060-019-334-02, approximately 13.1 acres (Swift property)
	9.10, Footnote (p) and (q)	R-3 District lot area and width standards
	11.03(C)(1) and (2)	R-3 District lot area and width standards
	20.05(C)	Maximum number of lots served by a private road
03-11-08-01, March 11, 2008	18.21(A) and (F)	Roof pitch standards for single family dwellings.
03-11-08-01, March 11, 2008	23.09(A)(2)	Fence height standards for uses subject to site plan approval.
03-10-09-01 April 9, 2009	2.02(B) and (C)	Definition of Frontage Definition of Lot Lines, definition of Lot Width
03-10-09-02 April 9, 2009	20.05(B)( 7b & c)	Cul-de-sac
10-13-09-01 Nov. 8, 2009	11.03(B)	Building of Gazebos
11-10-09-02 Dec. 6, 2009	3.07 (B)	Recipients notified by certified mail
03-08-11-01 Mar. 27, 2011	General Provisions 18.14	Home Occupation/Home Based Business
03-08-11-01 Mar. 27, 2011	Agricultural Districts A-1, A-2	Home Based Business
	Definitions	Home Occupation and Home Based Business
	Residential Districts R-3, R-4	Home Occupation



## **TABLE OF CONTENTS**

<b><u>Article:</u></b>	<b><u>Title:</u></b>	<b><u>Page:</u></b>
Article 1:	Title, Intent and Purpose	11
Article 2:	Definitions	12
Article 3:	Administration, Enforcement, and Penalties	29
Article 4:	Zoning Board of Appeals	35
Article 5:	Procedures for Amendments	40
Article 6:	Procedures for Site Plan and Plot Plan Review	43
Article 7:	Procedures for Special Land Uses	49
Article 8:	Reserved for Future Use	52
Article 9:	Zoning Districts and Map	53
Article 10:	Agricultural Districts	57
Article 11:	Residential Districts	60
Article 12:	Commercial Districts	64
Article 13:	Industrial Districts	70
Article 14:	For Future Use	73
Article 15:	Renters Ordinance	74
Article 16:	Standards for Special Land Uses	80
Article 17:	Standards for Planned Unit Developments	101
Article 18:	General Provisions	104
Article 19:	Nonconforming Uses Of Land and Structures	120
Article 20:	Access Controls and Private Roads	123
Article 21:	Off-Street Parking and Loading	129
Article 22:	Signs	134
Article 23:	Landscaping and Screening	138
Article 24:	Environmental Standards	143
Article 25:	Reserved For Future Use	146
Article 26:	Interpretation, Severability, Vested Right, Repeal, And Effective Date	150

## **Outline**

<b><u>Article and Section</u></b>	<b><u>Page</u></b>
<b>PREAMBLE</b>	<b>10</b>
<b>ARTICLE 1: TITLE, INTENT AND PURPOSE</b>	<b>11</b>
Section 1.01 Title	11
Section 1.02 Intent and Purpose	11
<b>ARTICLE 2: DEFINITIONS</b>	<b>12</b>
Section 2.01 Construction off Language	12
Section 2.02 Definitions	12
<b>ARTICLE 3: ADMINISTRATION, ENFORCEMENT, and PENALTIES</b>	<b>29</b>
Section 3.01 Administration	29
Section 3.02 Duties of the Zoning Administrator	29
Section 3.03 Permit Procedures and Regulations	29
Section 3.04 Enforcement	31
Section 3.05 Violations and Penalties	32
Section 3.06 Performance Guarantees For Compliance	32
Section 3.07 Public Hearing Notices	33

<b>ARTICLE 4: ZONING BOARD OF APPEALS</b>	<b>35</b>
Section 4.01 Intent and Purpose	35
Section 4.02 Creation and Membership	35
Section 4.03 Organization	35
Section 4.04 Jurisdiction	36
Section 4.05 Appeals	36
Section 4.06 Appeal Procedures	37
Section 4.07 Stay	38
Section 4.08 Review by Circuit Court	38
<b>ARTICLE 5: PROCEDURES FOR AMENDMENTS</b>	<b>40</b>
Section 5.01 Purpose and Intent	40
Section 5.02 Initiation of Amendments	40
Section 5.03 Filing Fee	40
Section 5.04 Procedures	40
Section 5.05 Resubmit	41
Section 5.06 Comprehensive Review of Zoning Ordinance	42
<b>ARTICLE 6: PROCEDURES FOR SITE PLAN AND PLOT PLAN REVIEW</b>	<b>43</b>
Section 6.01 Purpose	43
Section 6.02 Approval of Site Plan or Plot Plan Required	43
Section 6.03 Data Required	43
Section 6.04 Site Plan Review Procedures	44
Section 6.05 Site Plan Approval Standards	45
Section 6.06 Preliminary Site Plan Review Option	46
Section 6.07 Conformity to Approved Site Plans	47
Section 6.08 Changes and Appeals	47
<b>ARTICLE 7: PROCEDURES FOR SPECIAL LAND USES</b>	<b>49</b>
Section 7.01 Purpose and Intent	49
Section 7.02 Procedures for Special Land Uses	49
Section 7.03 Procedures for Planned Unit Developments	50
Section 7.04 Appeal to Circuit Court	51
Section 7.05 Reapplication	51
Section 7.06 Amendments	51
<b>ARTICLE 8: RESERVED FOR FUTURE USE</b>	<b>52</b>
<b>ARTICLE 9: ZONING DISTRICTS AND MAP</b>	<b>53</b>
Section 9.01 Establishment of Districts	53
Section 9.02 Zoning District Map	53
Section 9.03 Replacement of Official Map	53
Section 9.04 Interpretation of District Boundaries	53
Section 9.05 Scope of Regulation	54
Section 9.06 Zoning of Vacated Areas	54
Section 9.07 Zoning of Filled Lands; Use of Water	55
Section 9.08 Conflicting Regulations	55
Section 9.09 Categories Within Zoning Districts	55
Section 9.10 Schedule of Regulations	55

<b>ARTICLE 10: AGRICULTURAL DISTRICTS</b>		<b>57</b>
Section 10.01	A-1 Prime Agricultural District	57
Section 10.02	A-2 Agriculture-Rural Residential District	58
<b>ARTICLE 11: RESIDENTIAL DISTRICTS</b>		<b>60</b>
Section 11.01	R-1 Low Density Residential District	60
Section 11.02	R-2 Medium Density Residential District	61
Section 11.03	R-3 Lake Residential District	62
Section 11.04	R-4 Mobile Home Park District	63
<b>ARTICLE 12: COMMERCIAL DISTRICTS</b>		<b>64</b>
Section 12.01	C-1 General Commercial District	64
Section 12.02	C-2 Mixed Use M217 Commercial/Residential District	65
<b>ARTICLE 13: INDUSTRIAL DISTRICTS</b>		<b>70</b>
Section 13.01	I-1 Light Industrial District	70
<b>ARTICLE 14: FOR FUTURE USE</b>		<b>73</b>
<b>ARTICLE 15: Renters Ordinance</b>		<b>74</b>
Section 15.01	Intent	74
Section 15.02	Definitions	74
Section 15.03	Minimum Standards	76
Section 15.04	Landlord / Tennant Relations	76
Section 15.05	Responsibilities of Owners and Landlords	76
Section 15.06	Application for Rental Dwelling Permits, Fees, & Inspections	77
Section 15.07	Biennial Fees for Rental Inspections	78
Section 15.08	Penalties and Enforcement	79
Section 15.09	Procedure for Appeal	79
Section 15.10	Severability	79
<b>ARTICLE 16: STANDARDS FOR SPECIAL LAND USES</b>		<b>80</b>
Section 16.01	General Standards Applicable to All Special Land Uses	80
Section 16.02	Adult Foster Care Facility	80
Section 16.03	Airports and Airplane Landing Strips	81
Section 16.04	Automobile Service and Repair Stations	81
Section 16.05	Bed And Breakfast	82
Section 16.06	Cemeteries, Crematories, and Mausoleums	83
Section 16.07	Commercial Stables	83
Section 16.08	Communication Towers	84
Section 16.09	Concentrated Livestock Operations	85
Section 16.10	Convalescent or Nursing Homes	85
Section 16.11	Churches and Religious Institutions	85
Section 16.12	Drive-In Establishments	86
Section 16.13	Shooting Ranges	86
Section 16.14	Veterinarian Clinics	86
Section 16.15	Group Home Day Care Facilities	87
Section 16.16	Junkyards	87
Section 16.17	Kennels	88
Section 16.18	Mini Storage (Warehouse) Facilities	89

Section 16.19	Motels	89
Section 16.20	Multiple Family Development	89
Section 16.21	Open Air Businesses	90
Section 16.22	Outdoor Commercial Recreation	91
Section 16.23	Planned Unit Developments (see Article 17)	93
Section 16.24	Public Facilities	93
Section 16.25	Schools	93
Section 16.26	Excavation	93
Section 16.27	Section 506 Open Space Preservation Development (OSPD)	98
<b>ARTICLE 17: STANDARDS FOR PLANNED UNIT DEVELOPMENTS</b>		<b>101</b>
Section 17.01	Approval Standards	101
Section 17.02	Waiver of Standards	103
<b>ARTICLE 18: GENERAL PROVISIONS</b>		<b>104</b>
Section 18.01	Intent and Purpose	104
Section 18.02	Keeping of Animals	104
Section 18.03	Essential Services	105
Section 18.04	Swimming Pools	105
Section 18.05	Moving Buildings	105
Section 18.06	Temporary Uses and Nonresidential Buildings and Structures	106
Section 18.07	Temporary Dwellings	107
Section 18.08	Accessory Uses, Buildings, and Structures	108
Section 18.09	One Single Family Dwelling to a Lot	109
Section 18.10	Permitted Yard Encroachments	109
Section 18.11	Front Setback Reductions and Increases	109
Section 18.12	Allocation of Lot Area and Configuration of Lots	110
Section 18.13	Height Requirement Exceptions	110
Section 18.14	Home Occupation/Home Base Business	110
Section 18.15	Conditional Approvals	112
Section 18.16	Satellite Antenna Dishes	113
Section 18.17	Outdoor Storage, Sales, and Merchandise Display	113
Section 18.18	Condominium Subdivisions	113
Section 18.19	Earth Sheltered Homes	114
Section 18.20	Maintenance of Junk Prohibited	115
Section 18.21	Single Family Dwellings	115
Section 18.22	Roadside Stands	116
Section 18.23	Funneling/Key-holing	116
Section 18.24	Medical Marihuana	117
<b>ARTICLE 19: NONCONFORMING USES OF LAND AND STRUCTURES</b>		<b>120</b>
Section 19.01	Intent and Purpose	120
Section 19.02	Nonconforming Lots	120
Section 19.03	Nonconforming Uses Of Land	120
Section 19.04	Nonconforming Structures	120
Section 19.05	Change in Nonconforming Uses	121
Section 19.06	Repairs and Maintenance	121
Section 19.07	Change of Tenancy or Ownership	121
Section 19.08	District Changes	121
Section 19.09	Hardship Cases	121
Section 19.10	Illegal Nonconforming Uses	121
Section 19.11	Permits	122

<b>ARTICLE 20: ACCESS CONTROL AND PRIVATE ROADS</b>		<b>123</b>
Section 20.01	Intent	123
Section 20.02	Curb Cuts and Driveways	123
Section 20.03	Lots to Have Access	124
Section 20.04	Clear Vision Zone	124
Section 20.05	Private Roads	124
Section 20.06	Acceleration and Deceleration Lanes and Tapers	126
<b>ARTICLE 21: OFF-STREET PARKING AND LOADING</b>		<b>129</b>
Section 21.01	Intent of Parking Provisions	129
Section 21.02	General Requirements	129
Section 21.03	Parking Space Requirements	130
Section 21.04	Site Development Requirements	131
Section 21.05	Loading and Unloading Space Requirements	132
<b>ARTICLE 22: SIGNS</b>		<b>134</b>
Section 22.01	Purpose	134
Section 22.02	Definitions	134
Section 22.03	Signs In Agricultural and Residential Districts	134
Section 22.04	Signs In Commercial or Industrial Districts	135
Section 22.05	Moving Or Revolving Signs Prohibited	136
Section 22.06	Signs Not To Constitute a Traffic Hazard	136
Section 22.07	Portable or Moving Signs	136
Section 22.08	Off-Premises Signs	136
Section 22.09	Existing Nonconforming Signs	136
Section 22.10	Signs Requiring Permits	137
<b>ARTICLE 23: LANDSCAPING AND SCREENING</b>		<b>138</b>
Section 23.01	Intent	138
Section 23.02	Application	138
Section 23.03	Landscape Plan Required	138
Section 23.04	Buffer Areas	138
Section 23.05	Parking Lot and Loading Area Landscaping	139
Section 23.06	Site Landscaping	139
Section 23.07	Minimum Standards of Landscape Elements	140
Section 23.08	Installation, Maintenance and Completion	141
Section 23.09	Fencing and Screening	141
<b>ARTICLE 24: ENVIRONMENTAL STANDARDS</b>		<b>143</b>
Section 24.01	Intent and Purpose	143
Section 24.02	Natural Resources	143
Section 24.03	Potable Water and Sewage Disposal	144
Section 24.04	Lighting	144
Section 24.05	Commercial and Industrial Uses	144
Section 24.06	Clearing, Grading and Storm Water Management	145
<b>ARTICLE 25: WIND ENERGY SYSTEMS (WES)</b>		<b>146</b>
Section 25.01	Purpose	146
Section 25.02	Definitions	146
Section 25.03	Noncommercial Wind Energy Systems	146
Section 25.04	Commercial Wind Energy Systems (CWES)	147
Section 25.05	Anemometers	149



Section 25.06	Severability	149
---------------	--------------	-----

**ARTICLE 26: INTERPRETATION, SEVERABILITY, VESTED RIGHT,  
REPEAL, AND EFFECTIVE DATE** **150**

Section 26.01	Interpretation	150
Section 26.02	Severance Clause	150
Section 26.03	Vested Right	150
Section 26.04	Repeal	150
Section 26.05	Effective Date	150

**End of Table of Contents**

## PREAMBLE

***An Ordinance enacted by the Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance. Within this Ordinance, district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches. To provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance. This Ordinance shall continue to be maintained, applied and enforced under the authority of Act 110 of the Michigan Public Acts of 2006, as amended, the Michigan Zoning Enabling Act.***

**Article 1**  
**TITLE, INTENT, AND PURPOSE**

**Section 1.01 Title**

This Ordinance shall be known and cited as the Mason Township Zoning Ordinance.

**Section 1.02 Intent And Purpose**

It is the purpose of this Zoning Ordinance to promote public health, safety, and general welfare. Encourage the use of lands in accordance with their character and adaptability including the township's agricultural and rural atmosphere. Limit the improper use of land. Conserve natural resources and energy. Meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land. Insure that uses of the land shall be situated in appropriate locations and relationships. Avoid the overcrowding of population. Provide adequate light and air. Lessen congestion on the public roads, streets, and to reduce hazards to life and property. Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements. Conserve the expenditure of funds for public improvements and services. Conform with the most advantageous uses of land, resources, and properties. Carry out the goals, objectives and policies contained in the Comprehensive Plan for the Township adopted pursuant to the Township Planning Act, Public Act 168 of 1959 as amended, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

(Ord. 04-10-07-01, April 10, 2007)

End Article 1

## Article 2 DEFINITIONS

### Section 2.01: Construction Of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:
  - 1 "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2 "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3 "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Mason in the County of Cass, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.

### Section 2.02 DEFINITIONS

#### **A**

Abutting (lot or parcel): A lot or parcel which shares a common border with the subject lot or parcel

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Entertainment Business: Any business, club or organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities", either in person or by photograph, motion picture, television, electronic media, or other type of image. For the purposes of this definition, the following additional phrases and definitions shall apply:

Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.

Agriculture: Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCLA 286.471 et seq; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

Animal Units: Animal units are a measure of the relative intensity of livestock or poultry raising operations, defined in terms of the relative volume of waste material produced by various types of livestock. The following standards identify the number of animal units associated with a single animal of the following types:

*Slaughter steer or heifer: one (1) animal unit*

*Horse: two (2) animal units*

*Mature dairy cow: one and four tenths (1.4) animal units*

*Swine: four tenths (0.4) of an animal unit*

*Sheep: one tenth (0.1) of an animal unit*

*All fowl: five one-hundredths (0.05) of an animal unit*

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Automobile Service and Repair Stations: Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

## **B**

Basement: That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "story."

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Buffer Area: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, stoning, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building Height: In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and

gambrel roofs (see Figure 2-1 at end of this Section). The measurement of height of an accessory building or structure at any point shall be determined as the vertical distance from the grade to the highest point of the building or structure.

Building Inspector: An individual hired by Mason Township to administer the State Building Code.

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

## C

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cellar: See definition for "Basement".

Cemetery: Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the State Building Code.

Changeable Message Board: A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Church: A building wherein persons 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 primary purpose.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Agriculture: The use of land and/or structures for the growing and/or production of farm products for income.

Communication Tower: A radio, telephone or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Concentrated Livestock Operations: A farm operation where the confinement area accumulates manure that must be removed, or a sustained ground cover (crops, vegetation, forage growth, or post-harvest residue) cannot be maintained over the normal growing season throughout the area where the animals are confined, or a farm operation which exceeds the confinement of livestock or poultry in excess of the following standards:

*Fifty (50) slaughter steer or heifers per acre.*

*Twenty-five (25) horses per acre.*

*Thirty-six (36) mature dairy cows per acre.*

*One hundred twenty-five (125) swine per acre:*

*Five hundred (500) sheep per acre.*

*One thousand (1,000) fowl per acre.*

The standards noted above are based upon the U.S. Environmental Protection Agency's determination of the relative intensity of livestock or poultry raising operations, defined in terms of the relative volume of waste material produced (animal units) by various types of livestock. The determination of whether a farming operation constitutes a concentrated livestock operation when more than one type of livestock and/or poultry are involved in the farming operation shall be determined according to the definition for "animal units" in this Ordinance.

Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

## D

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 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, or drop-in center. Child care center or day care center does not include any of the following:

- a. *A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.*
- b. *A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.*
- c. *A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.*

Day Care Home: Family: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) 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. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care Home Group: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

Density: The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

Drive-in Establishment: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Cass County Road Commission or State of Michigan.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

Dwelling Floor Area: The total square footage of all floor areas in a dwelling excluding that floor area which is more than six (6) feet below the elevation of the closest finished grade.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Two Family (Duplex): A building containing not more than two separate dwelling units designed for residential use.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

## E

Easement, Permanent Recorded: A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Cass County Register of Deeds.

Erected: The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

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

## F

Family:

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended. .

Farm: Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, or corporation and including all necessary farm buildings, structures, and machinery.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides-, and the employment and use of labor.

Fence: An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and



covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Footing: That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

a. *Family Home:* A facility which provides foster care to six (6) or fewer persons.

b. *Group Home:* A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall apply to the waterfront and be the total continuous length of the front lot line.

## G

Garage: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Golf Course/Country Club: A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

## H

Home Occupation:

An occupation or profession carried on by a member of the immediate family residing on the premises. A home occupation is one in which no commodity is sold on the premises except those incidental to the home occupation or include the distribution of home based products such as Mary Kay, Amway or Tupperware, for example, may be approved by the Zoning administrator; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes, when engaged in by only residents entirely within the dwelling and not in a garage or accessory building or with the use of any non-residing employee. A home occupation shall occupy not more than twenty percent (20%) of the living area of the dwelling and show no external evidence of change in the building or premises.

Home Based Business:

A business or profession carried on by a member of the immediate family residing on the premises. A home based business is one in which no commodity is sold on the premises, except those incidental to the Home Based Business. No more than one person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes within the dwelling, a garage or accessory building unless approval has been granted for additional special equipment by the Planning Commission. There shall be no external evidence of change in the building or premises.

Horse: Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

## I

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

## J

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

**Junk Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

## K

**Kennel:** A lot or premises on which four (4) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

## L

**Livestock:** Cattle, sheep, goats, llama, buffalo, swine, poultry, and other similar animals or fowl which do not meet this Ordinance's definition for "wild animal", which are being produced primarily for sale or other commercial gain, including for use as food or food products for human consumption.

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

**Lot:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (see Figure 2-2 at end of this Section).

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see Figure 2-2 at end of this Section).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot, Depth Of:** The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot. (see Figure 2-3 at end of this Section)

**Lot, Flag:** A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (see Figures 2-3 and 2-4 at end of this Section)

**Lot Frontage:** The length of the front lot line.

**Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-2 at end of this Section).

**Lot Lines:** The lines bounding a lot or parcel (see Figure 2-4 at end of this Section).

- a. *Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road or other access easement (see Figure 2-4 at end of this Section), except in the case of a waterfront lot, in which case the front lot line shall be the ordinary high water mark. Such line shall be continuous at least a sufficient length to conform to the minimum lot width requirement of the district.*

b. *Lot Line, Rear:* The lot line opposite and most distant from the front lot line. In the case of a (see Figure 2-4 at end of this Section).

c. *Lot Line, Side:* Any lot line other than a front or rear lot line (see Figure 2-4 at end of this Section).

*Lot of Record:* A lot which is part of a subdivision, the map of which has been recorded in the Office of the Cass County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Cass County Register of Deeds prior to the adoption or amendment of this Ordinance.

*Lot, Through:* An interior lot having frontage on two (2) more or less parallel streets (see Figure 2-2 at end of this Section).

*Lot Width:* The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines. Except in the case of a waterfront lot, the front lot line shall also be considered the Lot Width. (see Figure 2-4 at end of this Section).

## **M**

*Major Thoroughfare:* A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Cass County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.

*Manufactured Housing:* A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

*Master Deed:* The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

*Mini Storage (warehouse) Facilities:* A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

*Minor Thoroughfare:* A public street identified as a county local road by the Cass County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

*Mobile Home:* A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

*Mobile Home Park:* A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

*Modular (Pre-Manufactured) Housing Unit:* A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

*Motel:* A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient - automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

*Motor Home:* A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

*Municipal Sewage Treatment Facility:* A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

*Municipal Water Supply:* A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

## N

Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

- a. noise;
- b. dust;
- c. smoke;
- d. odor;
- e. glare;
- f. fumes;
- g. flashes;
- h. vibration;
- i. objectionable effluent;
- j. noise of a congregation of people, particularly at night;
- k. passing traffic; or
- l. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

## O

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open Space Development: A type of residential development option permitted in this Ordinance, and administered as a planned unit development, which is based upon a portion of a parcel set aside as permanent open space with the balance of the parcel used at higher densities than would otherwise be permitted without the open space.

Open Space, Dedicated: Common open space dedicated through permanent recorded deed restrictions or easement.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

## P

Parcel: A lot described by metes and bounds or described in a recorded plat.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

Parking Space: An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Planning Commission: The Planning Commission of the Township.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Sanitary Sewer: A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

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

## Q

## R

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

Recreational Vehicle Park: 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.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restaurant, Drive-through: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Roadside Stand: A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

## S

School: An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

**Section 506 Open Space Preservation Development (OSPD):** A residential development project authorized by Section 506 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, which generally permits the development of a parcel with lots of lesser size than normally required by district regulations, but with the number of lots being no greater than could otherwise be developed under normal district regulations, provided, in part, a minimum of 50% of the parcel is set aside as permanent open space, the development does not depend on the extension of public sewer any more so than if the land was developed under the normal district regulations, and the project complies with all ordinances, laws, and rules.

**Setback:** The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

- a. Front: Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
- b. Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms, bow and arrows, or similar projectile devices, which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (Refer to Article 22: Signs, for additional definitions pertaining to signs.)

**Site Plan:** A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludge, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Articles 7: Procedures for Special Land Uses.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

**Stable, Private:** An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if:

- a. *the distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter finished grade along the basement; or*
- b. *the distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for at least a single twelve (12) foot linear distance.*

**Story, Half:** That portion of a story which consists of half of its total height.

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structural Alterations: Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Subdivision: The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

Swimming Pool: Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

## T

Township Board: Elected members of the governing Board of Trustees of Mason Township.

Township Engineer: The staff engineer or consulting engineer of the Township who the Township may hire as needed.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes.

## U

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

## V

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

## W

Waterfront Lot: Any lot or parcel which abuts Juno Lake, Lafferty Lake, or Mud Lake.

Wild Animal: Any animal not bred by humans, or any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Domestic dogs consisting of hybrids with wolves, coyotes, or jackals, and domestic cats consisting of hybrids with ocelots or margays, shall be considered wild animals.

## X

## Y

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see Figure 2-4 at end of this Section):

- a. *Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a corner lot.*

*b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.*

*c. Side Yard: An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.*

## **Z**

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

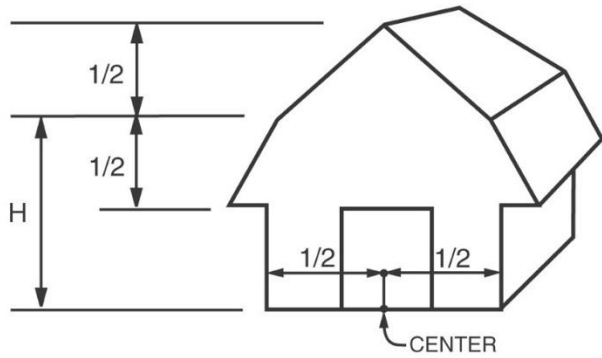
**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance.

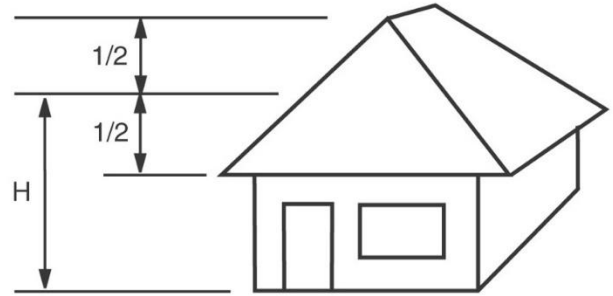
(Ord. 04-10-07-01, April 10, 2007; Ord. 12-11-07-01, Dec. 11, 2007)



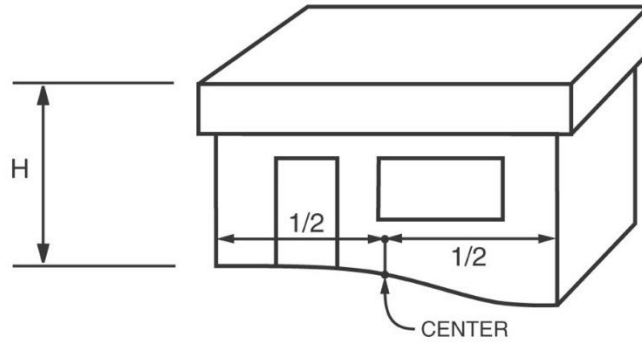
Figure 2-1  
BUILDING HEIGHTS



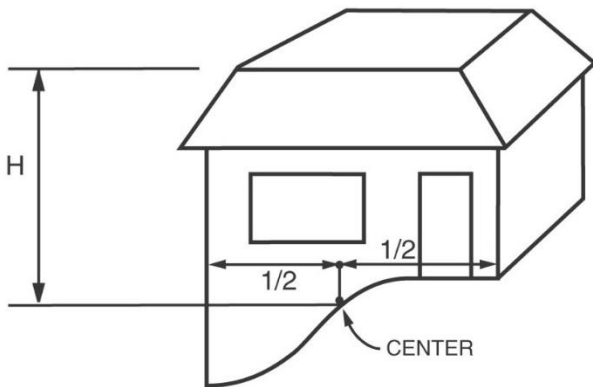
**GAMBEL ROOF**



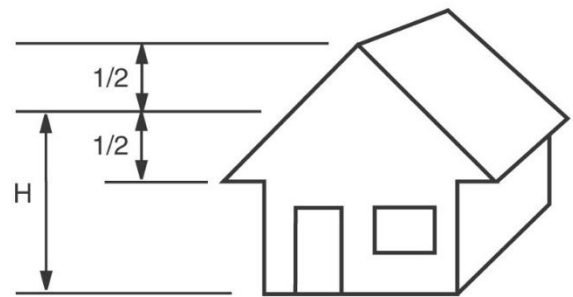
**HIP ROOF**



**FLAT ROOF**



**MANSARD ROOF**



**GABLE ROOF**

Figure 2-2  
LOT TYPES

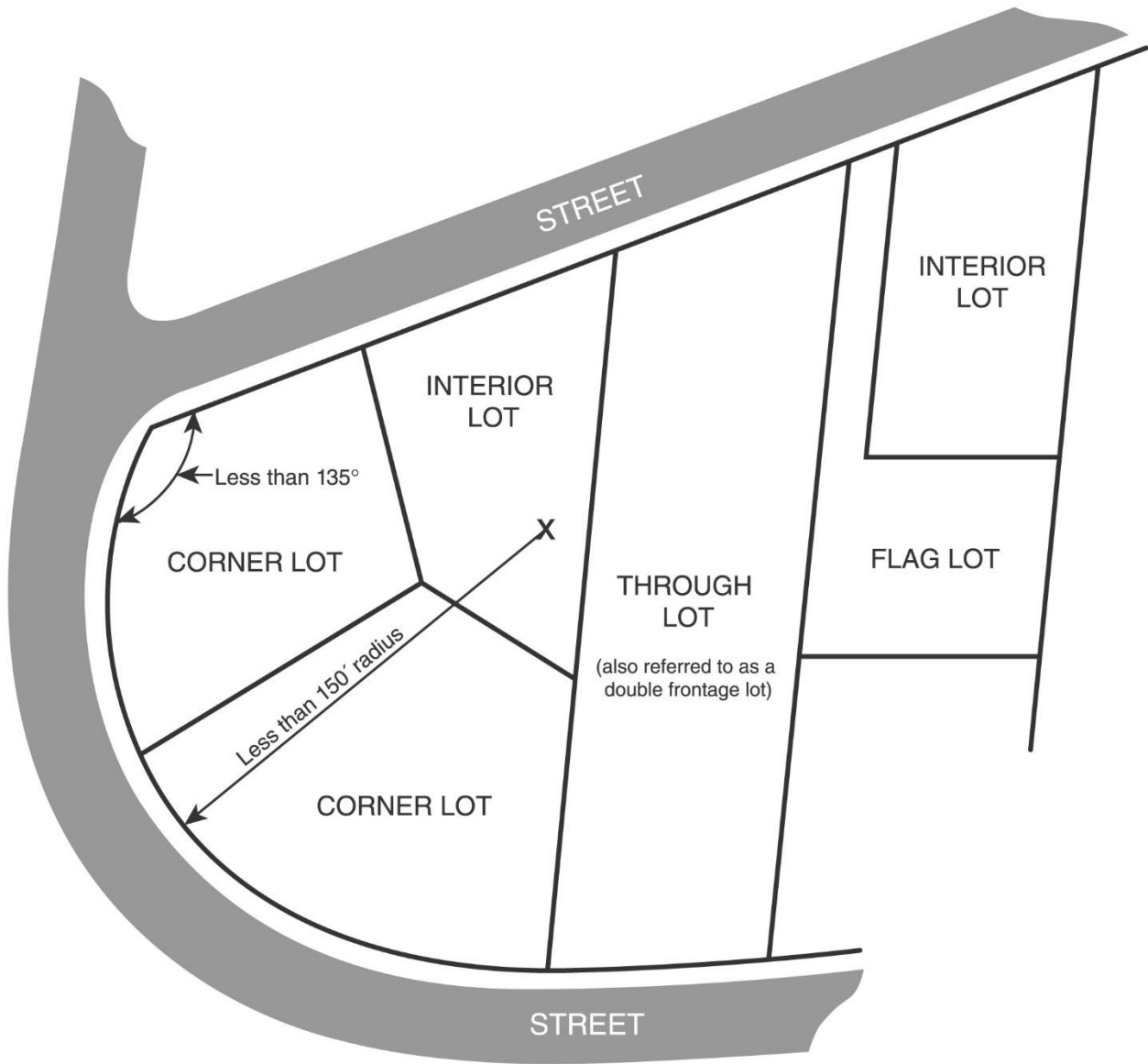


Figure 2-3  
LOT DEPTH

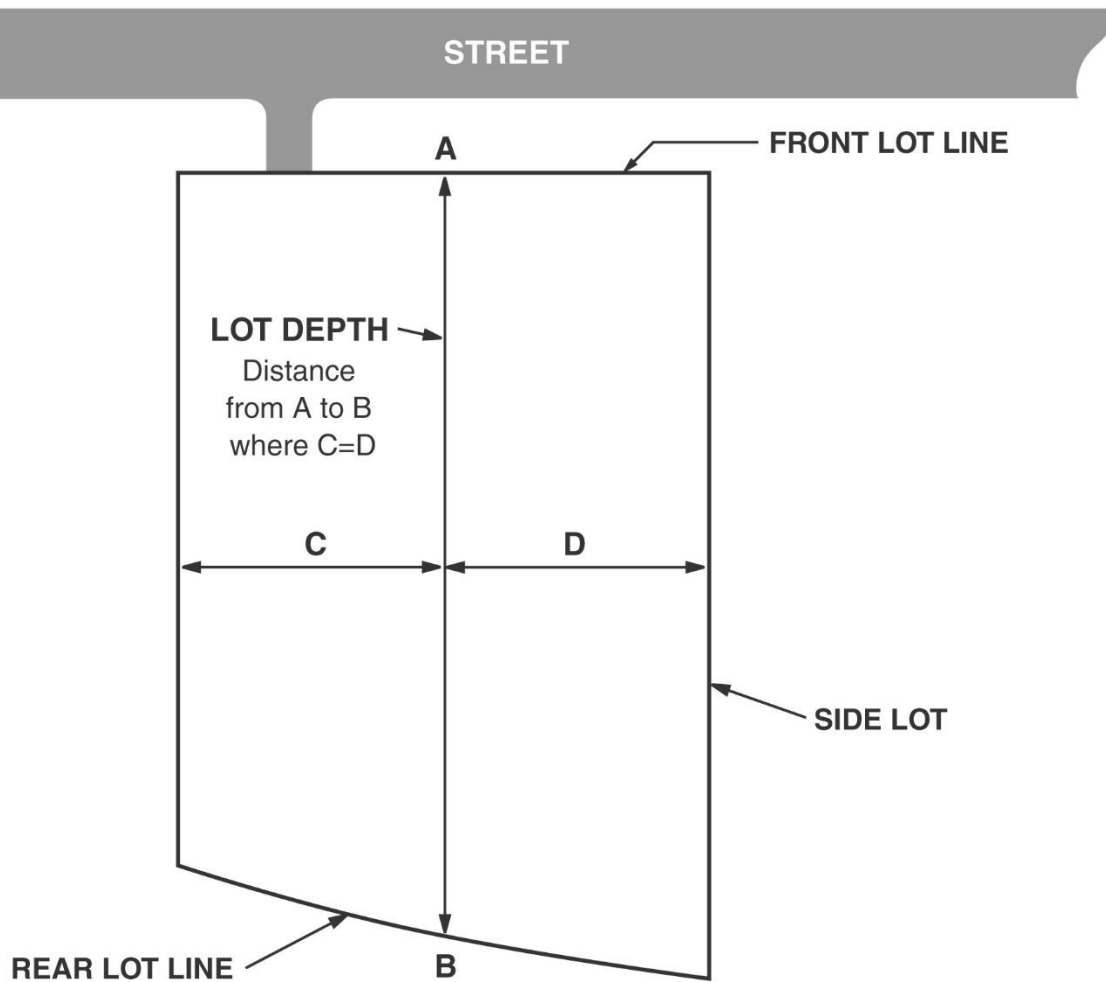
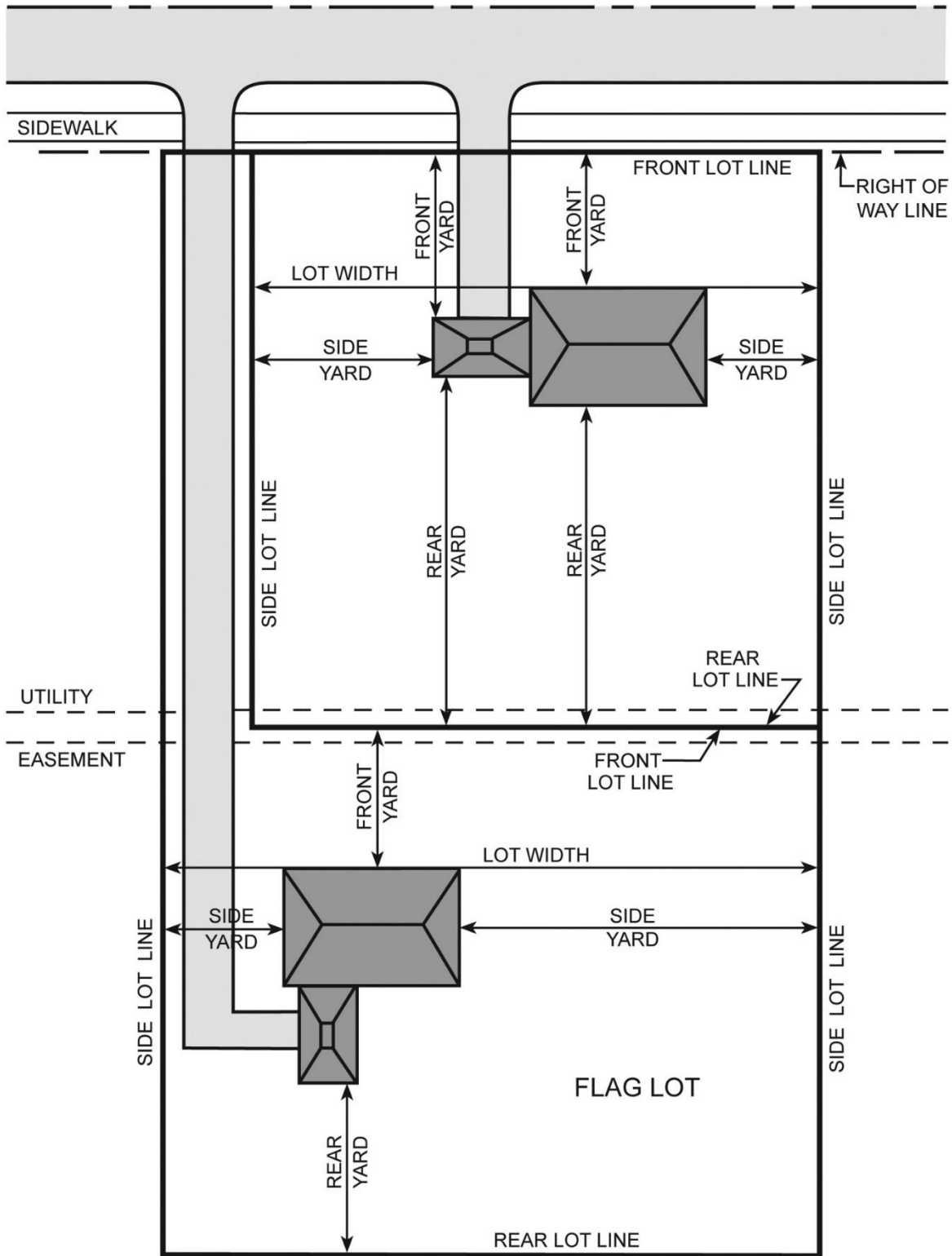


Figure 2-4  
 LOT LINES AND YARDS



End of Article

**Article 3**  
**ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

**Section 3.01 Administration**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; PA 110 of 2006, "Michigan Zoning Enabling Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

*(Ord. 04-10-07-01, April 10, 2007)*

**Section 3.02 Duties Of The Zoning Administrator**

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the following duties:

**A. Issue Permits:** All applications for zoning permits, including permits for special uses, temporary uses, temporary dwellings, variances, appeals, requests for Ordinance interpretation, and requests for changes to a nonconforming use, shall be submitted to the Zoning Administrator. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.

**B. File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Township Clerk and shall be open for public inspection.

**C. Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance. The Zoning Administrator shall be responsible for all site inspections associated with the construction or erection of a building prior to excavation activities. The Building Inspector shall be responsible for all inspections thereafter pertaining to building construction activities.

**D. Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.

**E. Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.

**F. Report to the Township Board:** The Zoning Administrator shall report to the Township Board periodically, as requested by the Township Board, on activities pertaining to the issuance of Zoning Permits and complaints of violation and actions taken on such complaints.

**Section 3.03 Permit Procedures And Regulations**

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Zoning Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Zoning Permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may erect or alter a building or structure for which the Zoning Permit has been issued only after receiving a Building Permit from the Building Inspector.

**A. Zoning Permit Application Required:** No excavation shall be initiated, no building shall be erected, altered, moved, razed, or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been

issued by the Building Inspector. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board Appeals. An application for a Zoning Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

1. Plot Plan / Site Plan: Plot Plan / Site Plan: Either a Plot Plan or Site Plan, according to the provisions of Sections 6.02 and 6.03 of this Ordinance must be submitted.
2. Sanitary Sewer or Septic Approval: In the case of a permit for buildings, proposed for human occupancy, or, required by law to have plumbing fixtures, either a report from the Cass County Health Department certifying in writing the approval of a private sanitary sewage disposal system; or when public sanitary sewage service is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
3. Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Cass supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

**B. Application Fees:** Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Board and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. When Professional Review Fee is Required: For any application for approval of a Site Plan, Special Land Use, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the payment of a fee. A fee may be requested for any project which may, in the discretion of the Zoning Administrator or health, safety, or welfare, including vehicular circulation patterns, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input is desired before a decision to approve, deny or approve with conditions is made.
2. Professional Review and Report: Any portion of a fee may be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township Board values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems, which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.
3. Fee Balance: The applicant is entitled to a refund of any unused professional fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.

**C. Permit Issuance, Withholding, Expiration, and Revocation.**

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (see Section 3.06). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.

2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits: or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. The permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
  - a). In the case of a special land use, the Planning Commission shall review every permit and the associated land use prior to the expiration of the permit and shall recommend continuance or discontinuance of said permit based on whether the activities, structures and other site characteristics satisfactorily comply with the conditions stipulated in the Zoning Permit. This determination of the Planning Commission shall be forwarded to the Township Board with a recommended action.
4. Revocation: The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation of this Ordinance. Revocation of a permit issued for a special land use or variance shall not occur before a hearing by the body which granted the permit.

**D. Relation to Nonconforming Uses**: It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

**E. Occupancy Permit**: No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

### **Section 3.04 Enforcement**

The Mason Township Zoning Administrator, the Mason Township Ordinance Enforcement Officer and any other individual Township officials that may from time to time be designated by the Township Board shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.”

(Ord. 10-11-05-01, Oct. 11, 2005)

**Section 3.05 Violations And Penalties**

**A. Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.294 and as otherwise provided by law.

**B. Violation.** Any person, who violates, disobeys neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

**C. Municipal Civil Infraction:** A violation of this Ordinance is a municipal civil infraction as with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1st Offense	\$ 75.00	\$500.00
2nd Offense	\$150.00	\$500.00
3rd Offense	\$325.00	\$500.00
4th or More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which Mason Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

**D. Remedial Action.** Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

(Ord. 10-11-05-01, Oct. 11, 2005)

**Section 3.06 Performance Guarantee For Compliance**

**A. Purpose:** In authorizing any Zoning Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

- B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:
1. Improvements Covered: Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks.
  2. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
  3. Amount and Time Required: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the Township Board. After approval of



the detailed cost estimate by the Township Board, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Building Inspector indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Building Inspector shall approve, partially approve or reject the improvements or conditions and shall notify the obligor in writing of the action within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Building Inspector shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a). Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

**D. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The amount of the performance guarantee shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief, Building Inspector, or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**E. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

### **Section 3.07 Public Hearing Notices**

**A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent

properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

**B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property their Agents, and Lessees for which approval is being considered, and the applicant, if the applicant is different than afore mentioned, by certified mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Mason Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
4. In the case of a text amendment or zoning map amendment., 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 Township Clerk for the purpose of receiving the notice of public hearing, by mail.

**C. Timing of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (re-zonings), text amendments, special land uses, variances, appeals and ordinance interpretations.

**D. Confirmation of Notices Made by Mail or Personal Delivery:** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

(Ord. 04-10-07-01, April 10, 2007)

End of Article 3

**Article 4**  
**ZONING BOARD OF APPEALS**

**Section 4.01 Intent And Purpose**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved. That a means be provided for competent interpretation of this Ordinance, and that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

**Section 4.02 Creation And Membership**

**A. Establishment:** A Zoning Board of Appeals, first established by the Zoning Ordinance adopted April 12, 1983, is hereby retained in accordance with, Act 110 of the Public Acts of 2006. It shall consist of three members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

**B. Appointment of Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of 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. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

**C. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired, Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.

**D. Removal from Office / Conflict of Interest:** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

*(Ord. 04-10-07-01, April 10, 2007)*

**Section 4.03 Organization**

**A. Rules of Procedure:** The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

**B. Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of

the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

**D. Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

#### **Section 4.04 Jurisdiction**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of a property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 4.05.

*(Ord. 04-10-07-01, April 10, 2007)*

#### **Section 4.05 Authorized Appeals**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

**A. Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance. However, the Zoning Board of Appeals shall not be authorized to hear appeals of decisions on special land uses or planned unit developments. Such appeals may only be taken to the Circuit Court.

**B. Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (see Section 9.04).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

**C. Variances:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance.

1. Required Findings: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
  - a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
  - c. That the practical difficulties do not result from actions of the applicant
  - d. That the variance will relate only to property under control of the applicant.
  - e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
  - f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the special conditions or circumstances.
  - h. That the variance shall not permit the establishment within a district, of any use which is not permitted by right within that zoning district.

*(Ord. 04-10-07-01, April 10, 2007)*

## **Section 4.06 Appeal Procedures.**

### **A. Notice of Appeal:**

1. Ordinance Interpretation and Variances: Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. Administrative Review: Where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance, a written purpose within ten (10) days after the date of the decision being appealed.

**B. Fee:** A fee as established by the Township Board shall be paid to the Township Clerk at the time the petitioner files a Notice of Appeal with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

**C. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Notice of the hearing shall be given in accordance with Section 3.07.

**D. Hearing:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

**E. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a

majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

1. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 18.16). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
2. **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become invalid unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance. Upon written board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the Board of Appeals that the project has a reasonable expectation of being continued to construction.

**F. Rehearing:** No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found to be valid, upon inspection by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including a new fee unless initiated by the Zoning Board of Appeals or Township Board. A request for rehearing shall be made within eight (8) days. Due to the potential for a rehearing, no Zoning Permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

**G. Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal of an administrative decision, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

**H. Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 3.06. (Ord. 04-10-07-01, April 10, 2007)

### **Section 4.07 Stay**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

### **Section 4.08 Review By Circuit Court**

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court.

- (A) **Appeal:** An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:
  - (a) Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.
  - (b) Twenty-one days after the zoning board of appeals approves the minutes of its decision.

(This was effective December 10, 2010)

**B. Standards for Review:** The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State
2. Is based upon proper procedure
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals

**C. Inadequate Record:** If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

**D. Authority of Court:** As a result of the review required by this Section, the Court may affirm, reverse or modify the decision of the Zoning Board of Appeals.

(Ord. 04-10-07-01, April 10, 2007)

**End of Article 4**

## Article 5 PROCEDURES FOR AMENDMENTS

### Section 5.01 Purpose And Intent

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, address change or changing conditions in a particular area in the Township, to conform with changes to the Comprehensive Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Comprehensive Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### Section 5.02 Initiation Of Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### Section 5.03 Filing Fee

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### Section 5.04 Procedures

**A. Application:** A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. When the petition involves a change in the Zoning Map, which includes the rezoning of a parcel or section of land, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information:

1. A legal description of the property
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location
3. The name and address of the applicant
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner
5. Date of filing with the Township Zoning Administrator
6. The desired change and reasons for such change
7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information

**B. Action of Zoning Administrator:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission and has notified the Township Clerk of such notification, the Township Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Township Clerk shall give notice of the public hearing according to Section 3.07.

### **D. Planning Commission Actions:**

1. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public record of the meetings of the



Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - c. What is the impact of the amendment on the ability of the Township and other governmental at provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Does the petitioned district change generally comply with the adopted Comprehensive Plan
  - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located.
2. **Outside Agency Review:** In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.
  3. **Planning Commission Recommendation:** The Township Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the County Planning Commission and Township Board. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the County Planning Commission and Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

#### **E. Township Board Actions:**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission if received within thirty (30) days of receipt of Township Planning Commission's submittal of its recommendations to the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, the Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
  - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. All hearings subject to this subsection shall comply with the notice requirements of Section 3.07.

**F. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment
  2. The effective date of the amended Ordinance
  3. The place and time where a copy of the amended Ordinance may be purchased or inspected.
- (Ord. 04-10-07-01, April 10, 2007)

#### **Section 5.05 Resubmittal**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

**Section 5.06 Comprehensive Review Of Zoning Ordinance**

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

**End of Article 5**

**Article 6**  
**PROCEDURES FOR SITE PLAN & PLOT PLAN REVIEW**

**Section 6.01 Purpose**

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

**Section 6.02 Approval Of Site Plan Or Plot Plan Required:**

**A. Planning Commission Approval for Site Plans:**

Unless required otherwise by Section 6.02(B) below, site plan approval is required by the Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All uses by right within any commercial or industrial zoning district
2. All uses for which this Ordinance requires three (3) or more off street parking spaces

**B. Township Board Approval for Site Plans:**

Site plan approval, is required by the Township Board prior to the issuance of a Zoning Permit, for the following uses:

1. All special land uses, as specified in each zoning district
2. All single and two family developments subject to the requirements of P.A. 288 of 1967, the Subdivision Control Act, as amended.
3. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended

**C. Zoning Administrator Approval for Plot Plans:**

Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 6.02 (A) or (B) above. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 6.05.

**Section 6.03 Data Required**

**A. Plot Plans:** The following data shall be submitted with applications for Zoning Permits for uses requiring a plot plan:

1. An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Zoning Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal request for Ordinance interpretation or variance
  - a. Name, address and telephone number of the applicant (and owner if different).
  - b. The location, shape, area and dimension of the lot
  - c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  - d. A description of proposed use of the building(s), land or structures
  - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users
  - f. The yard, open space, and parking lot and space dimensions, and number of spaces.
  - g. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
  - h. Location of any septic system or drain field and well
  - i. Configuration of the driveway and parking, county drains and site drainage patterns
  - j. Existing public right-of-ways or easements

- k. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

**B. Site Plan:** Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Permits for uses requiring a site plan:

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions
5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs), and proposed street or road names shall also be indicated.
6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
8. Proposed location of trash receptacles, accessory buildings and use, including free standing signs.
9. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
10. A storm drainage and storm water management plan for all streets.
11. Location and specifications for any existing or proposed above 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 government authorities.
12. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
13. A statement from the applicant identifying all other federal, state and local permits required, if any.
14. Project completion schedule
15. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

#### **Section 6.04 Site Plan Review Procedures:**

**A. Submittal and Distribution of Site Plans:** At least ten(10) copies of the application and site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the application and site plans for completeness and if such application or plans are not complete according to Section 6.03(B), the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator.

**B. Review:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 6.05.

**C. Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, except that the Planning Commission will only make recommendations for rejection, approval, or conditional approval of a site plan for a use listed in Section 6.02(B)(1-3) and forward its recommendation to the Township Board (see Section 7.02(D)(2)). Any conditions required by the Planning Commission, or by the Township Board in the case of a use listed in Section 6.02(B)(1-3), shall be stated in writing and shown on the site plan, together with the reasons, and delivered to the applicant. Decisions and recommendations by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision or recommendation. A Site Plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**D. Approved Site Plans:** Three (3) copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission, or by the Township Supervisor in the case of a use listed in Section 6.02(B)(1 -3), for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

### **Section 6.05 Site Plan Approval Standards:**

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
- D. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.

- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J. All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.
- K. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists.
- M. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
  - 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
  - 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
  - 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

**Section 6.06 Preliminary Site Plan Review Option**

Developments requiring site plan review which exceed ten (10) acres in size, or which will be developed in phases, may seek approval of a preliminary site plan, the purpose of which is to indicate the general design and layout of the project.

**A. Preliminary Review Application:** Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a special form for that purpose and shall consist of the following:

- 1. Ten (10) copies of a completed application form supplied by the Zoning Administrator,
- 2. Ten (10) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Property dimensions
  - b. Topographic elevations at two feet interval
  - c. Significant vegetation
  - d. Water courses and water bodies, including man-made surface drainage ways.
  - e. Existing public right of way, pavements, and/or private easement
  - f. Existing and proposed uses, buildings, structures, and lots
  - g. Zoning classification of abutting properties

- h. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared
- i. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment or natural resources.

**B. Planning Commission Review and Action:** The Planning Commission shall review the preliminary site plan and approve, approve with conditions, or deny the plan, based on compliance with the standards of Section 6.05. If denied, the Planning Commission shall cite reasons for denial. If approved, the applicant may submit a final site plan for the development or a phase of the development.

- 1. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

**Section 6.07 Conformity To Approved Site Plans**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission or, in the case of a special use, the Township Board. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.03(C)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

**Section 6.08 Changes And Appeals**

**A. Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;

- 1. Minor Changes: Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator.
- 2. Major Changes: Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission, and major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls. The number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
  - a. Such changes will not adversely affect the initial basis for granting approval
  - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article and
  - c. Such changes shall not result in the reduction of open space area as required herein.
- 3. Township Board Action: The Planning Commission shall make recommendations to the Township Board regarding proposed major changes to a Site Plan for a special land use approved by the Township Board prior to the Township Board taking final action on the proposed changes.

**B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as

specified in Section 6.05. Changes to a Plot Plan, which contain elements that require Site Plan approval according to Section 6.02(A), shall require that the entire project be processed as a Site Plan according to the procedures of Section 6.04.

**C. Appeals:** With regard to Site Plan and Plot Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

**End of Article 6**



## Article 7 PROCEDURES FOR SPECIAL LAND USES

### Section 7.01 Purpose And Intent

**A. Special Land Uses:** It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

1. Planned Unit Developments: It is also the intent of this Article to establish procedures which offer an alternative to traditional residential and commercial development patterns through the use of planned unit development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) for the purpose of:
  - a. encouraging the use of Township land in accordance with its character and adaptability
  - b. assuring the permanent preservation of open space, woodlands, and other natural resources
  - c. allowing innovation and greater flexibility in the design of residential developments
  - d. facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner
  - e. ensuring compatibility of design and use between neighboring properties; and
  - f. encouraging a less sprawling form of development, thus preserving open space as undeveloped land approval standards for special land uses are included in Article 16, Standards for Special Land Uses, except that approval standards for planned unit developments are included in Article 17, Standards for Planned Unit Developments.  
(Ord. 04-10-07-01, April 10, 2007)

### Section 7.02 Procedures For Special Land Uses

An application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures, except that applications for planned unit developments shall be submitted and processed under Section 7.03.

A. **Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Twenty (20) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Special application form supplied by the Zoning Administrator.
2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
3. Site plan meeting the requirements of Section 6.03
4. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

**B. Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the submission of an application the Zoning Administrator shall determine whether it is in proper form and contains all required information for the Planning Commission to determine the degree of compliance with all applicable provisions of Article 16, Standards for Special Land Uses, or in the case of a planned unit development, Article 17, Standards for Planned Unit Developments.

**C. Forwarding of Application to Planning Commission:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, seven (7) copies of the site plan shall be forwarded to the Planning Commission and five (5) copies forwarded to the Township Board. The Township Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.

1. County Road Commission.
2. County Health Department
3. County Drain Commissioner
4. Fire Department providing service to that part of the Township
5. Other agencies as relevant

**D. Planning Commission Action:**

1. Application Review and Public Hearing:
  - a. The Planning Commission shall review the site plan and special land use application at its next scheduled meeting following receipt from the Township Zoning Administrator. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 7.02(C), the Planning Commission shall publish a notice of public hearing in conformance with Section 3.07.
2. Planning Commission Recommendation and Basis for Recommendation: Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission shall recommend approval, denial, or approval with conditions regarding the special land use application and site plan, and forward its recommendation to the Township Board for its consideration. A recommendation on the application shall be incorporated in a statement of findings and conclusions relative to the application which specifies the basis for the decision and any recommended conditions. The Planning Commission may recommend to the Township Board that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements. The Planning Commission's recommendation shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions recommended. In arriving at its recommendation, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments.

**E. Township Board Action:** Upon review of the special land use application, all supporting materials, the hearing, and the recommendations of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for special land use approval. The decision on the application shall be incorporated in a statement of findings and conclusions relative to the application which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.

(Ord. 04-10-07-01, April 10, 2007)

**Section 7.03 Procedures For Planned Unit Developments**

An application for a land use identified as a planned unit development in a particular zoning district shall be processed according to all the procedures, requirements, and provisions for special land uses under Section 7.02 except that:

**A. Public Hearing and Final Decision by Township Board:**

The Planning Commission shall not hold a public hearing on the planned unit development request, but will forward its recommendations to the Township Board according to Section 7.02(D)(2)(a) above. Following receipt of the Planning Commission's recommendation pertaining to the planned unit development request, the Township Board of Trustees shall hold a public hearing on the request in compliance with Section 3.07. Within sixty (60) days of the public hearing, the Board shall approve, approve with conditions, or deny the planned unit development request unless the applicant and the Board agree to an extension of time, which shall be specified in the minutes. Its decision on the application shall be incorporated in a statement of findings and conclusions relative to the application which specifies the basis for the decision and any conditions imposed.

**B. Recording of Approval Action:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.

**C. Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the planned unit development.

(Ord. 04-10-07-01, April 10, 2007)

**Section 7.04 Appeal To Circuit Court**

An appeal on a special land use application decision may be taken to the Circuit Court.

**Section 7.05 Reapplication**

No application for a Zoning Permit for a special land use or planned unit development which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 7.02, except in the case of a planned unit development, in which case the provisions of Section 7.03 shall be followed.

**Section 7.06 Amendments**

**A. Site Plan:** The Site Plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 6.08.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. The addition of land to the legal description of the original special land use permit;
2. The establishment of another use or uses;
3. The addition of more sales or service area, or the addition of dwelling units; and
4. An expansion or increase in intensity of use.

**End of Article 7**

**Article 8**

Reserved For Future Use

**End of Article 8**

## Article 9 ZONING DISTRICTS AND MAP

### Section 9.01 Establishment Of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- A-1: Agricultural District
- A-2: Rural Residential District
- R-1: Low Density Residential District
- R-2: Medium Density Residential District
- R-3: Lake Residential District
- R-4: Mobile Home Park District
- C-1: General Commercial District
- C-2: Mixed Use M217 Commercial/Residential District (amended)
- I-1: Light Industrial District

### Section 9.02 Zoning District Map

The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled MASON TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: This is to certify that this is the Official Zoning Map of the Mason Township Zoning Ordinance adopted on the \_ day of \_, 199 -. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On the following date(s) and by official action of the Township Board, the following change(s) were made: (date of change(s) and brief description of change(s)).

Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

### Section 9.03 Replacement Of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The 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, adopted on ,19 , of the Mason Township Zoning Ordinance, and replaces and supersedes the Official Zoning Map which was adopted on \_\_\_\_\_199\_\_ and any amendments made thereon. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

### Section 9.04 Interpretation Of District Boundaries:

A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed to be such boundaries.

2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.

### **Section 9.05 Scope Of Regulation:**

**A.** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

**B.** Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 4.05(B) (3) and 4.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.

**C.** No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.

- D.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E.** No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.
- F.** Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.

### **Section 9.06 Zoning Of Vacated Areas:**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street,

alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

**Section 9.07 Zoning Of Filled Lands: Use Of Water:**

No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Natural Resources. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Section 9.08 Conflicting Regulations:**

Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. The requirements in the following table entitled "Schedule of Regulations" apply to all principal land uses and buildings permitted by

**Section 9.09 Categories Within Zoning Districts:**

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into two (2) categories:

**A. Uses Permitted By Right:** Uses permitted by right are the primary uses and structures specified for which the zoning district has been established.

**B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing following review by the Planning Commission and, in some cases, the Township Board.

**Section 9.10 Schedule Of Regulations:**

The requirements in the following table entitled "Schedule of Regulations" apply to all principal land uses and buildings permitted by night within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. In the event of any conflict between the provisions of the written text of the Ordinance and the content of the Schedule of Regulations, the provisions of the text shall apply. Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self-created hardships of the owner. See Section 4.05(C).

**Schedule of Regulations for "Uses Permitted by Right"**

(Ord. 12-11-07-03, Dec. 11, 2007)

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (in feet)	Maximum Building Height		Minimum Yard Setback (Feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	Side Yard	Rear Yard	
A-1: Agricultural	10	330' <b>b</b>	2 1/2	35 <b>c</b>	35	30	50	20 <b>d</b>
A-2: Rural Residential	2 acres	150 to 235' <b>c</b>	2 1/2	35 <b>c</b>	35	30	50	25
R-1: Low Density Residential	30,000 sq. ft.	100-150 <b>f</b>	2 1/2	35	35	15	40	35

R-2: Medium Density Residential	10,000 to 18,000 sq. ft. <b>g</b>	60-80 <b>h,j,k</b>	2 1/2	35	30	10 <b>j</b>	25	35
R-3: Lake Residential	12,000 to 30,000 sq. ft. <b>o</b>	100 to 150 <b>p</b>	2 1/2	35	30	10 <b>j</b>	30	35
C-1: General Commercial	2 acres	300	---	35	50	20 <b>j</b>	20 <b>l</b>	50
1-1: Light Industrial	2 acres <b>l</b>	300	---	35	50	25 <b>m</b>	20 <b>n</b>	50
R-4 Mobile Home Park	10 acres	330	Conformance to Michigan Mobile Home Commission Rules					

**FOOTNOTES**  
**For Schedule of Regulations**

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule. See Article 16 for additional site development standards regarding special land uses, and Article 17 for site development standards regarding planned unit developments.
- b. 330 feet for all dwelling units
- c. Maximum height for farm buildings is 100 feet
- d. Twenty percent (20%) maximum lot coverage for all lots
- e. 150 feet if lot gains direct access to a public or private road in a platted or condominium subdivision, otherwise 235 feet required
- g. Where public sewer is present, 10,000 sq. ft. for single family dwellings and 13,000 sq. ft. for two family dwellings. Where public sewer is not present, 15,000 sq. ft. for single family dwellings and 18,000 sq. ft. for two family dwellings
- h. 60 feet if public sewer is available, otherwise 80 feet required
- l. 10 feet, except in the case of a corner lot, which shall have a minimum 30 foot side yard on the street side and 10 foot side yard on the remaining side yard
- j. 60 feet where side yard abuts a Residential or Agricultural District
- k. 60 feet where rear yard abuts a Residential or Agricultural District
- l. 1 acre within an industrial park
- m. 60 feet where side yard abuts a Residential or Agricultural District
- n. 60 feet where rear yard abuts a Residential or Agricultural District
- o. 12,000 sq. ft. where public sewer is present. 30,000 sq. ft. where public sewer is not present
- p. 100 feet where public sewer is provided, otherwise 150 feet

**End of Article 9**



**Article 10**  
**AGRICULTURAL DISTRICTS**

**Section 10.01 A-1: Agricultural District**

**A. Intent:** It is the intent of the Agricultural District to ensure that land areas within Mason Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Lands currently within the Agricultural District are principally in agricultural use and these lands generally reflect one or more qualities which support their long term economic viability as farm operations including large farm parcel acreages, comparatively limited encroachment by nonfarm residences, prime farmland soils, enrollment in the P.A. 116 farmland protection program, and adjacency to other long term economically viable farmland. It is the intent of the Agricultural District to provide for the protection of the Township's most important farmland through limiting encroachment of nonfarm uses while, at the same time, establishing provisions to permit limited residential development in a manner which minimizes the negative impacts of such nonfarm land uses and supports current farming operations through increased income to farm owners. The Agricultural district also includes wetland and woodland areas associated with farmlands in this district and it is the intent of this district to protect such natural resource areas for the important environmental benefits they provide. The Agricultural District is intended to implement, in part, the planned Agriculture component of the Comprehensive Plan of Mason Township.

**B. Uses Permitted By Right:**

1. Agriculture
2. Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises
3. Public or private conservation areas, parks, game refuges, and similar uses
4. Transmission, distribution lines, and pipelines of public utility companies within existing public rights of ways
5. Day care, family home
6. Private stables.
7. Single family dwelling
8. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations and one roadside stand

**C. Special Land Uses Permitted By Special Approval:**

1. Agricultural labor housing
2. Agricultural service establishments
3. Churches or religious buildings
4. Housing for religious personnel attached to a church or religious building
5. Communication towers
6. Excavation operations
7. Kennels
8. Commercial stables
9. Veterinarian clinics
10. Public facilities, including cemeteries, parks, schools, libraries substations, or structures associated with public utilities, including enclosures or shelters for service equipment and maintenance depots but excluding administrative buildings.
11. Bed and breakfast establishments
12. Concentrated livestock operations
13. Airplane landing strips
14. Preservation Development (OSPD)

**D. Site Development Requirements For All Uses And Structures:**

The following minimum and maximum standards shall apply to all uses and structures in the Agricultural District (A-1) unless otherwise modified by the provisions of Article 16, Standards for

Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum and Maximum Net Lot Areas:
  - a. Dwelling Unit: Minimum lot area shall be ten (10) acres
2. Minimum Lot Frontage and Lot Width:
  - a. Dwelling Unit: Three hundred thirty (330) feet
3. Yard and Setback Requirements:
  - a. Front Yard: Thirty-five (35) feet
  - b. Side Yard: Thirty- (30) feet
  - c. Rear Yard: Fifty – feet (50)
  - d. No farm buildings shall be located closer than fifty (50) feet to any lot line, provided also that no pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall be permitted within one hundred fifty (150) feet of a lot line.
4. Maximum Lot Coverage: Twenty (20) percent
5. Minimum Single Family Dwelling Floor Area: One thousand two hundred (1,200) square feet
6. Maximum Height: Two and one half (2 1/2) stories or thirty-five (35) feet, except that the maximum height of farm buildings and structures shall be one-hundred (100) feet All farm buildings and structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to the height of the building
7. Applicable provisions of Article 16: Standards for Special Land Uses; Article 18: General Provisions; Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

### **Section 10.02 A-2: Rural Residential District**

**A. Intent:** It is the intent of the Rural Residential District (A-2) to provide for the continuation of farming activities while similarly providing opportunities for a variety of comparatively low density residential lifestyles in a manner which encourages the preservation of the farmlands, open spaces and natural resources of the Township and the Township's rural character. The Rural Residential District includes farmland of a more marginal character than found elsewhere in the Township but recognizes these areas for their important contribution to the local economic base, to the provision of food and fiber for the State's citizens, and for the historical character and open spaces it provides. It is not the intent of this District to encourage the conversion of agricultural lands to more intensive uses, but to provide opportunities for other alternative land uses, primarily residential in character. The Rural Residential District is intended to implement, in part, the Agriculture and Residential components of the Comprehensive Plan of Mason Township.

#### **B. Uses Permitted By Right:**

1. Agriculture
2. Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises
3. Public or private conservation areas, parks, game refuges, and similar uses
4. Transmission distribution lines and pipelines of public utility companies within existing public rights of ways
5. Day care, family home
6. Private stables
7. Single family dwelling
8. Two family dwelling
9. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations and one roadside stand.

#### **C. Special Land Uses Permitted By Special Approval:**

1. Agricultural labor housing
2. Agricultural service establishments
3. Churches or religious buildings

4. Housing for religious personnel attached to a church or religious building
5. Communication towers
6. Excavation operations
7. Kennels
8. Commercial stables
9. Veterinarian clinics
10. Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings, substations, or structures associated with public utilities, including enclosures or shelters for service equipment and maintenance depots.
11. Bed and breakfast establishments
12. Concentrated livestock operations
13. Outdoor commercial recreation including golf courses and country clubs; recreational fields and shooting ranges; and similar uses and accessory uses such as refreshment stands and maintenance buildings, but excluding miniature golf, racing tracks, amusement parks, and drive-in theaters
14. Planned unit development
15. Section 506 Open Space Preservation Development (OSPD).

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Rural Residential District (A-2) unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum Lot Area: Two (2) acres
2. Minimum Lot Frontage and Lot Width:
  - a. Each parcel of land which is provided access from a major or minor thoroughfare shall have lot frontage and width of not less than two hundred thirty-five (235) feet.
3. Yard and Setback Requirements:
  - a. Front yard: Thirty-five (35) feet
  - b. Side yards: Thirty- (30) feet
  - c. Rear yard: Fifty- (50) feet
4. Maximum Lot Coverage: Twenty-five (25) percent.
5. Minimum Single Family Dwelling Floor Area: One thousand two hundred (1,200) square feet
6. Maximum Height: Two and a half (2 1/2) stories or thirty-five (35) feet, except that the maximum height of farm buildings and structures shall be one-hundred (1 00) feet All farm buildings and structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to the height of the building.
7. Applicable provisions of Article 18: General Provisions; Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.

(Ord. 04-10-07-01, April 10, 2007)

**End of Article 10**

## Article 11 RESIDENTIAL DISTRICTS

### **Section 11.01 R-1: Low Density Residential District**

**A. Intent:** It is the intent of the Low Density Residential District (R-1) to provide opportunities for residential development of a more suburban character, characterized by comparatively smaller lot sizes, higher densities, and more traditional neighborhood development patterns. Lands included within this district are characterized by scattered small and larger existing residential development areas as well as vacant land intended to accommodate additional residential development of similar character due to its location, surrounding land uses, and proximity to principal transportation corridors. This District is intended to implement, in part, the Residential component of the Comprehensive Plan of Mason Township.

#### **B. Uses Permitted By Right:**

1. Single family dwellings.
2. Public or private conservation areas, parks, game refuges, and similar uses,
3. Transmission and distribution lines and pipelines of public utility companies within existing public rights of ways
4. Day care, family home
5. Adult foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
6. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

#### **C. Special Land Uses Permitted By Special Approval: (Revised 4-30-96)**

1. Churches or religious buildings
2. Housing for religious personnel attached to a church or religious building
3. Hobby and commercial kennels
4. Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings and substations or structures associated with public utilities, including enclosures or shelters for service equipment and maintenance depots
5. Day care, group home
6. Bed and breakfast establishments
7. Planned unit development
8. Section 506 Open Space Preservation Development (OSPD)

#### **D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Low Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum Lot Area: Thirty thousand (30,000) square feet
2. Minimum Lot Frontage and Lot Width:
  - a. Each parcel of land, which is provided access from a major or minor thoroughfare shall have lot frontage and width of not less than one hundred fifty (150) feet.
  - b. Each parcel, which is provided access from a private road or a public road in a platted subdivision or condominium subdivision shall have a minimum lot frontage and width of one hundred (100) feet
3. Yard and Setback Requirements:
  - a. Front Yard: Thirty-five (35) feet
  - b. Side Yard: Fifteen-(15) feet.
  - c. Rear Yard: Forty-(40) feet
4. Maximum Lot Coverage: Thirty-five (35) percent.
5. Minimum Single Family Dwelling Floor Area: One thousand two hundred (1,200) square feet
6. Maximum Height: Two and a half (2 1/2) stories or thirty-five (35) feet.

7. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards and other provisions of this Ordinance as may be applicable  
(Ord. 04-10-07-01, April 10, 2007)

## **Section 11.02 R-2: Medium Density Residential District**

**A. Intent:** It is the intent of the Medium Density Residential District (R-2) to provide opportunities for more compact residential development patterns than permitted elsewhere in the Township, thereby encouraging efficient use of land resources and housing opportunities for all ages and income groups, and discouraging township-wide encroachment upon the Township's natural resources and open spaces. This district includes areas of the Township which currently exhibit a more compact form of residential development and areas that are currently served by a higher level of public services and/or infrastructure, as compared to most of the balance of the Township, and these additional services permit a higher intensity of residential development while assuring the public health, safety, and welfare. The Medium Density Residential District is intended to both permit the development of suitable vacant land for residential purposes where adequate public facilities are present, including principal transportation corridors, while also preserving the residential character of existing area neighborhoods. Lands within this district are intended to be in close proximity to one another and not dispersed throughout the Township. This District is intended to implement, in part, the planned Residential component of the Comprehensive Plan of Mason Township.

### **B. Uses Permitted By Right:**

1. Single family dwellings
2. Two family dwellings
3. Day care, family home
4. Adult foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
5. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations.

### **C. Uses Permitted By Special Use Approval: (Revised 4-30-96)**

1. Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home
4. Adult foster care facility, group home
5. Nursing home
6. Multiple family dwellings
7. Planned unit development
8. Section 506 Open Space Preservation Development (OSPD), limited to single family dwellings.

### **D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Medium Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum Lot Area: Fifteen thousand (15,000) square feet for single family dwellings and eighteen thousand (18,000) square feet for two family dwellings where public sewer is not available; ten thousand (10,000) square feet for single family dwellings, and thirteen thousand (13,000) square feet for two-family dwellings where public sewer is available and connected.
2. Minimum Lot Frontage and Lot Width: Sixty (60) feet where public sewer is available and connected, otherwise, eighty (80) feet.
3. Yard and Setback Requirements:
  - a. Front Yard: Thirty (30) feet

- b. Side Yard: Ten (10) feet, except in the case of a corner lot, which shall have a minimum thirty (30) foot side yard on the street side and the remaining side yard shall be a minimum ten (10) feet.
- c. Rear Yard: Thirty (30) feet
- 4. Maximum Lot Coverage: Thirty-five (35) percent.
- 5. Minimum Single Family Dwelling Floor Area: One thousand (1,000) square feet
- 6. Maximum Height: Two and a half (2 1/2) stories or thirty-five (35) feet
- 7. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; *Article 24*: Environmental Standards and other provisions of this Ordinance as may be applicable.

(Ord. 04-10-07-01, April 10, 2007)

### **Section 11.03 R-3: Lake Residential District**

**A. Intent:** It is the intent of the Lake Residential District to provide opportunities for residential development along the principal lakes of Mason Township. The surface waters of the Township are valuable assets and resources to the citizens of Mason Township, Cass County, and the State of Michigan. The purpose of this district is to permit shoreline development along the Township's lakes while assuring the maintenance of safe and healthful conditions, protect against water pollution, reduce hazards to persons and damage to property as a result of flood conditions, protect fish and other aquatic life, and control development so as to preserve the economic and natural environmental value of the shore lands. This District is intended to implement, in part, the planned Residential component of the Comprehensive Plan of Mason Township.

#### **B. Uses Permitted By Right:**

- 1. Single family dwellings
- 2. Day care, family home
- 3. Adult foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
- 4. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, i.e. garages.
- 5. Gazebos shall be considered accessory structures and shall be treated as same except said Gazebo shall:
  - a. Be located no closer than twenty (20) feet to the water front when no seawall is in place.
  - b. Be located no closer than ten (10) feet to any side lot line.
  - c. Not exceed one hundred (100) square feet in total floor area
  - d. Not exceed a height of twelve (12) feet from ground level to roof peak
  - e. Have side walls no higher than three (3) feet from ground level.
  - f. Be erected as an open air structure with no siding that would obstruct the view of the lake from neighbors.
  - g. Be limited to no more than one (1) per household.

#### **C. Uses Permitted by Special Use Approval:**

- 1. Section 506 Open Space Preservation Development (OSPD).

#### **D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Lake Residential District unless otherwise modified by the provisions of Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

- 1. Minimum Lot Area: Thirty thousand (30,000) square feet where public sewer is not available twelve thousand (12,000) square feet where public sewer is available and connected
- 2. Minimum Lot Frontage and Lot Width: One hundred fifty (150) feet where public sewer is not available. One hundred (100) feet where public sewer is available and connected.
- 3. Yard and Setback Requirements:
  - a. Front Yard: Thirty (30) feet

- b. Side Yard: Ten (10) feet, except in the case of a corner lot, which shall have a minimum thirty (30) foot side yard on the street side and the remaining side yard shall be a minimum ten (10) feet
- c. Rear Yard: Thirty (30) feet.
- 4. Maximum Lot Coverage: Thirty-five (35) percent.
- 5. Minimum Single Family Dwelling Floor Area: One thousand two hundred (1,200) square feet.
- 6. Maximum Height: Two and a half (2 1/2) stories or thirty-five (35) feet.
- 7. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards, and other provisions of this Ordinance as may be applicable.  
(Ord. 04-10-07-01, April 10, 2007; Ord. 12-11-07-03, Dec. 11, 2007)  
(Amended 11-8-2009)

**Section 11.04 R-4: Mobile Home Park District**

**A. Intent:** It is the intent of the Mobile Home Park District to provide opportunities for the development of mobile home parks to meet the varied housing needs of the Township's present and future residents while similarly limiting excessive public costs and demands placed upon public facilities and services which may be associated with such housing developments. It is the intent of this district that all mobile home parks be adequately served by public facilities and services and provide for a healthy residential environment.

**B. Uses Permitted By Right:**

- 1. Mobile home parks.
- 2. Accessory uses and structures customarily incidental to and subordinate to a mobile home park.

**C. Site Development Requirements:**

All mobile home parks shall be constructed and maintained in accordance with P.A. 299 of 1986, the Mobile Home Commission act, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act. A minimum lot area of ten (10) acres and lot frontage of three hundred thirty (330) feet is required.

**End of Article 11**

## Article 12 COMMERCIAL DISTRICTS

### Section 12.01 C-1: General Commercial District

**A. Intent:** The General Commercial District is primarily intended to provide areas wherein retail trade, office and service outlets can be located in order to satisfy the day to day needs of the residents of the Township and surrounding areas, while also providing opportunities for more regional commercial land uses which require proximity to regional transportation arteries. Such regional land uses shall be permitted only after special review where such uses are deemed appropriate in the proposed location. The General Commercial District is intended to implement, in part, the Commercial component of the Comprehensive Plan of Mason Township-

#### **B. Uses Permitted By Right**

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry, domestic pets, or hardware.
2. Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Medical and dental clinics
5. Residential uses when occupying the second or third floors, provided that all requirements of the Township Building Code are met, and that any new structure created must have adequate onsite parking.
6. Veterinarian clinics
7. Service establishments, including printing, publishing, photographic reproduction, blueprinting, and related trades or arts
8. Private clubs and meeting halls
9. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

#### **C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities, including administrative buildings associated with public utilities, and substations and structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
2. Automobile car wash
3. Open air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
4. Communication towers.
5. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks, or similar uses
6. Outdoor commercial recreation including miniature golf; animal racing, go-cart, automobile or motorcycle tracks, amphitheaters, drive-in theaters, amusement parks, survival games; campgrounds; and uses similar to the above uses, excluding golf courses and country clubs, recreational fields, and shooting ranges. Accessory uses to the above permitted uses such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
7. Offices and showrooms of plumbers, electricians, decorators, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building



- occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display
8. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, tobacco, and similar products.
  9. Building supply and equipment, for predominantly retail sales
  10. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities
  11. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
  12. Motels and hotels
  13. Funeral homes and mortuaries
  14. Mini storage facilities
  15. Motor vehicle, trailer, and boat service and repair stations
  16. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

#### **D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum Lot Area: Two (2) acres
2. Minimum Lot Frontage and Width: Three hundred (300) feet
3. Yard and Setback Requirements:
  - a. Front yard: Fifty- (50) feet
  - b. Side yards: Twenty (20) feet, except in the case where a side yard abuts a Residential or Agricultural zoning district, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall be a minimum of sixty (60) feet.
  - c. Rear Yard: Twenty (20) feet, except in the case where a rear yard abuts a Residential or Agricultural zoning district, in which case the minimum required rear yard shall be sixty (60) feet.
4. Maximum Lot Coverage: Fifty (50) percent
5. Maximum Height: Thirty-five (35) feet
6. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards and other provisions of this Ordinance as may be applicable.

#### **Section 12.02 C-2: Mixed Use M217 Commercial / Residential District**

**A. Intent:** The C-2 Mixed Use M-217 Commercial/Residential District is intended to accommodate a mixture of predominantly commercial and residential uses along the M-217 corridor in a manner that complements the desired character for the corridor. This desired character, as described and supported in the Mason Township Comprehensive Plan, is one which exhibits abundant open spaces and landscape features often associated with a campus environment, unified development projects, unique architectural styles that encourage a sense of place and identity, controlled signage and the absence of visual clutter, and access measurement measures that minimize congestion and traffic hazards along the corridor and within development sites. Intended uses in this District include corporate headquarters, retail sales, professional office buildings including multi-tenant developments, multiple family developments, and hotels and conference centers. The standards applicable to this District, including those pertaining to authorized uses, landscaping, signage, and access, are intended to ensure the intent of the C-2 District is realized, as is the site plan review process for specific development projects contemplated. The Mixed Use M-217 Commercial/Residential District is intended to extend from M-217 westward for up to approximately one-half mile and implement, in part; the Commercial/Industrial component of the Mason Township Comprehensive Plan's future land uses policies.

**B. Uses Permitted By Right:** The following uses are permitted by right provided no such use shall include more than 100,000 square feet of gross floor area, whether it be within a single or multiple buildings, and provided no such use constitutes an adult entertainment business as defined in this Ordinance.

1. Multiple family dwellings provided no single building contains less than eight (8) dwelling units and no single development contains less than forty (40) dwelling units.
2. Dwellings when occupying the second or third floors above a commercial use, irrespective of the number of dwellings to be established.
3. Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building, limited to fresh, pre-prepared, and packaged foods; pharmaceuticals, liquor, furniture, clothing and other dry goods; notions; books; flowers; jewelry; domestic pets; furniture and appliances; sports supplies; garden, horticultural, and landscape supplies; and hardware. Outdoor sales or display is permitted as an accessory use provided such area does not exceed ten percent (10%) of the gross indoor floor area.
4. Restaurants and taverns, including drive-in, drive-through, delivery and take-out service.
5. Office establishments which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
6. Offices that are characterized by predominantly internal administrative services and management, such as corporate headquarters and similar uses in which there is only limited customer presence in such offices.
7. Offices and showrooms of building trades such as plumbers, carpenters, and home improvement businesses, including up to twenty-five (25) percent of the floor area of the part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display.
8. Offices and service centers operated by a public entity such as a township, county, state or federal entity
9. Service establishments which perform services on the premises within a completely enclosed building, limited to appliance repair shops, barber and beauty shops, printing and graphic arts, photographic studios and photographic reproduction, and laundry and dry cleaning establishments.
10. Service establishments that perform services predominantly off the premises, limited to food catering services, and home improvement services such as plumbing, heating and air conditioning, flooring and roofing.
11. Hospitals and medical and dental clinics
12. Art and craft studios, galleries and associated sales
13. Hotels and motels, including facilities to accommodate conferences and banquets
14. Indoor commercial recreation facilities such as theaters, bowling alleys, skating rinks, and similar uses
15. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**C. Special Land Uses Permitted By Special Approval:** The following uses are permitted by special land use approval provided no such use shall constitute an adult entertainment business as defined in this Ordinance.

1. Public utility facilities of a non-office character, such as substations, service equipment and maintenance depots.
2. Car and other vehicle wash facilities including manual and automated systems.
3. Open air business and accessory office facilities where the outdoor sales or display area exceeds ten percent (10%) of the gross indoor floor area, limited to the sales of motor vehicles, trailers, farm machinery and equipment, and boats, and accessory service and repair of the same; garden, horticultural, nursery and landscape supply sales; sale of lawn furniture; playground equipment; and building supplies such as lumber, bricks, sand, and gravel.
4. Churches and schools
5. Veterinarian clinics
6. Private clubs and meeting halls

7. Service and repair of new or used cars, farm machinery, and other vehicles and equipment, including items intended for tow, where not otherwise accessory to the sales of the same.
8. Any use delineated in subsection (B) above where the use includes more than 100,000 square feet of gross floor area, whether it is within a single or multiple buildings.
9. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use.

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Mixed Use M-217 Commercial/Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. Minimum Lot Area: Ten (10) acres
2. Minimum Lot Frontage and Width: Five hundred (500) feet
3. Yard and Setback Requirements:
  - a. Front yard: One hundred (100) feet, except that the front yard setback along a road other than M-217 shall be fifty (50) feet
  - b. Side yards: Thirty- (30) feet except in the case where a side yard abuts M-217, in which case the minimum required side yard shall be one hundred (100) feet, or where the side yard abuts a Residential or Agricultural district, in which case the minimum required rear yard shall be sixty (60) feet.
  - c. Rear Yard: Thirty (30) feet except in the case where a rear yard abuts M-217, in which case the minimum required rear yard shall be one hundred (100) feet, or where the rear yard abuts a Residential or Agricultural district, in which case the minimum required rear yard setback shall be sixty (60) feet.
4. Maximum Lot Coverage: Fifty (50) percent
5. Maximum Height: Thirty-five (35) feet
6. Access Management: It is a primary goal of the C-2 District that access along M-217 be appropriately managed to ensure the public health, safety and welfare, including the avoidance of congestion and traffic hazards. To this end, no site plan shall be approved for development in the C-2 District except upon a finding that this goal has been preserved as applied to the subject property and that such development and access shall not undermine the practical ability of adjacent properties to similarly meet this goal. The primary means by which access is to be managed shall be the limitation of access ways directly connecting to M-217 and the provision of service drives or interior roads to facilitate traffic movement from one parcel to another without the need to access M-217 to do so. In meeting the access management goal of the C-2 District, the following standards shall apply:
  - a. General Access: General access shall be provided by an existing or proposed road, generally referred to as a "principal access road" for the purpose of this subsection (6), that intersects with M-217, and which is located and designed to afford immediate or future access to other parcels planned for highway development according to the Mason Township Comprehensive Plan. Such road may be located between a parcel's lot lines or adjacent to or along a property line, provided the intent of this subsection (6) is met.
    - 1) Principal access roads shall be located no closer than 1,200' feet to another such road, measured from the centerlines of such roads, and only upon approval of the Michigan Department of Transportation. This standard may be reduced by the site plan approving body upon a determination by the Michigan Department traffic flow along the M-217 corridor.
    - 2) Where a parcel is proposed for development and does not have access to a principal access road or interior access road (see subsection (b) below), or where the establishment of such a road is not practical or feasible, a temporary curb cut providing direct access to M-217 may be authorized by the site plan approving body according to the following conditions:

- a) Necessary approvals have been granted by the Michigan Department of Transportation and all other agencies having jurisdiction.
      - b) The curb cut shall be removed within one (1) year of the parcel or development being provided access to a principal access road or interior access road, unless determined the curb cut's continued use is necessary to protect the public health, safety and welfare.
    - 3) All principal access roads shall be constructed to the most current standards of the Cass County Road Commission, based on the type and traffic volume it is anticipated to accommodate.
  - b. Interior Roads and Parking/Loading Access: There shall be no direct vehicular access from M217 to an off-street parking area, loading or unloading area, or any other area in association with a particular building or use. Such access shall be provided from what shall be referred to as a "interior access road" for the purpose of this subsection (6), located across the front yard and which intersects with a principal access road as described in subsection (6)(a) above or an existing interior access road located on the adjacent parcel or development. However, off-street parking areas, loading or unloading areas, or any other areas in association with a particular building or use may be accessed from a principal access road provided the entrance to such area is a minimum of three hundred (300) feet from the M217 right-of-way.
    - 1) Interior roads shall be located, designed and constructed to permit extensions to serve adjacent parcels. All interior roads shall terminate at a property line to facilitate such extension.
    - 2) No interior road shall be located within one hundred (100) feet of the M217 right-of-way.
    - 3) In the case of a proposed development adjacent to vacant land, the site plan for the parcel or development shall provide for an interior road across the front yard, terminating at the side lot lines, for future connection to other segments of the interior road or a principal access road.
    - 4) All interior access roads shall be constructed to the most current standards of the Cass County Road Commission, based on the type and traffic volume it is anticipated to accommodate.
    - 5) The authorization of a temporary curb-cut according to subsection 6(a)(2) above shall not be construed as relieving an applicant from compliance with the requirements of this subsection (6)(b).
  - c. See also Section 20.06, Acceleration and Deceleration Lanes and Tapers, and Section 21.04(F), Service Drives and Connections to Adjacent Parking Areas.
7. Architectural Standards: The following architectural specifications are intended to promote the desired unique and unified character and identity of the C-2 District as described in subsection 12.02(A). The standards address the visual character of buildings including, but not necessarily limited to, spatial and mass characteristics, exterior design features including materials and colors, and roof treatments.
  - a. Design Standards
    - 1) Main building entrances shall be featured prominently through porticos, recessed entries, accent lighting or landscaping.
    - 2) Buildings with sloping roofs shall have overhangs proportional to the scale of the building.
    - 3) Exterior materials should be consistent on all facades of the building.
    - 4) The mixing of exterior building materials should relate to structural elements of the building.
    - 5) The use of trim materials around windows and doors is strongly encouraged.
    - 6) Colors used on building exteriors shall be complementary. Bright colors, where used, shall serve only as accents.
    - 7) The shape and mass of the building's primary facades should incorporate two or more vertical planes.
  - b. Exterior Building Material Standards

- 1) Principal Exterior building materials shall be limited to the following:
    - a) Finished concrete
    - b) Finished precast concrete/finished concrete masonry units.
    - c) Stucco
    - d) Natural stone
    - e) Brick (clay.
    - f) Tile (ceramic/porcelain)
    - g) Glass (tinted or clear)
  - 2) Limited use of the following exterior building materials is permitted:
    - a) Wood
    - b) Plastic
  - 3) The following are prohibited as exterior building materials:
    - a) Plywood and wood siding
    - b) Unfinished concrete and unfinished concrete masonry walls
  - 4) Building Trim Materials: Permitted trim materials shall be limited to wood, stone, brick (clay), tile (ceramic/porcelain), formed polymers, and painted aluminum
  - c Roofs and Rooftop Screening: Roof design and rooftop equipment shall be integrated into the overall design of the building and shall conform to the following:
    - 1) No restrictions shall apply to the roof pitch, shape or materials used, view from ground level by parapet walls, architectural rooftop walls, and recesses behind sloping roofs.
    - 3) Exposed vent hoods shall be of the same color as the surrounding roof material, where feasible.
    - 4) Rooftop screens shall be of a color compatible with the predominant color of the roof.
    - 5) The color(s) used on the roof shall be compatible with the overall color scheme of the building, where visible from nearby roads and parking areas.
8. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards and other provisions of this Ordinance as may be applicable. (Ord. 12-11-07-01, Dec. 11, 2007)

**End of Article 12**

**Article 13**  
**INDUSTRIAL DISTRICTS**

**Section 13.01 I-1: Light Industrial District**

**A. Intent:** It is the intent of the Light Industrial District to provide for a variety of industrial uses that do not require the services of public sewer or potable water infrastructure to protect the health, safety, and welfare of workers and nearby residents and the integrity of the Township's natural environment, including its ground water resources. Permitted uses are intended to be characterized by the absence of objectionable external affects such as noise, fumes, continuous heavy truck traffic, and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. The Light Industrial District is intended to implement, in part, the Industry component of the Comprehensive Plan of Mason Township.

**B. Uses Permitted By Right:**

The following are uses permitted by right when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

1. Tool and die manufacturing establishments.
2. Plastic molding and extrusion
3. Central dry-cleaning establishments
4. Monument and art stone production
5. Printing and publishing
6. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
7. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.
8. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments (except fish, meat, fowl, vegetables, vinegar, and yeast)
9. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood (excluding planning mill), yarns, and paint not requiring a boiling process.
10. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like
11. Laboratories; experimental, film or testing
12. Public utility service yard or electrical receiving transforming station
13. Painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, and battery manufacture.
14. Industrial park, subject to the following conditions:
  - a. Permitted uses shall include all uses permitted by right within this district. Special Land Uses identified in Section 13.01 (C) may be permitted, subject to the special land use provisions of Articles 7 and 16.
  - b. The minimum required land area for an industrial park shall be twenty (20) contiguous acres.
  - c. The development of an industrial park shall be in accordance to an overall site plan for development of the park, which plan shall be approved by the Township Planning Commission.
  - d. The developer shall provide within the industrial park a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all

sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, Cass County Health Department, Cass County Drain Commissioner and the Township.

- e. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the County's Engineer collect, carry off, and dispose of all predictable surface water runoff within and draining the State of Michigan, the Cass County Drain Commissioner and the Township .If a public water system is not available, the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
    - 1) The developer shall also provide a fire hydrant within four hundred (400) of each structure.
    - 2) Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Cass County Health Department, the Cass County Drain Commissioner and the Township.
  - g. All industrial parks shall have direct access to a major thoroughfare.
  - h. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
    - 1) All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
  - i. No part of any parking access and/or service area may be located closer than one hundred-fifty (1 50) feet of any residential property line.
  - j. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
  - k. Any industrial park adjoining any residential development shall be provided with a buffer zone of at least sixty (60) feet wide, which, shall be located adjacent to the property line. Such buffer zone shall be planted with evergreen and other suitable plantings, and, used for no other purposes as provided in Article 23. A landscaped planting area shall also be provided along all street frontage which shall not be less than sixty (60) feet in width.
  - l. Lighting facilities shall be required where deemed necessary by the Planning Commission for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.
  - m. Maximum building coverage on any lot within the industrial park shall not exceed forty (40) percent.
15. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
16. Accessory uses related to medical marihuana in accordance with Article 19 Section 18.24 of this ordinance.

**C. Special Land Uses Permitted By Special Approval:**

- 1. Automobile salvage and private junkyards.
- 2. Communication towers.
- 3. Residential quarters for a caretaker/security personnel, provided it is clearly accessory to the principal use, does not occupy more than 400 square feet of space, and does not violate any setbacks.

**D. Site Development Requirements:**

The following minimum and maximum standards Shall apply to all uses and structures in the Light Industrial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals,

- 1 Minimum Lot Area: Two (2) acres, except for buildings or structures in an industrial park, in which case the minimum lot size shall be one (1) acre

2. Minimum Lot Frontage and Lot Width: Three hundred (300) feet
3. Yard and Setback Requirements:
  - a. Front yard: Fifty (50) feet
  - b. Side yards: Twenty-five (25) feet, except in the case where a side yard abuts a Residential or Agricultural zoning district, in which case the minimum required side yard shall be sixty (60) feet, or in the case of a corner lot, where the side yard on the street side shall be a minimum of sixty (60) feet.
  - c. Rear Yard: Twenty (20) feet, except in the case where a rear yard abuts a Residential or Agricultural zoning district, in which case the minimum required rear yard shall be sixty (60) feet.
4. Maximum Lot Coverage: Fifty (50) percent
5. Maximum Height: Thirty-five (35) feet
6. Applicable provisions of Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screens; Article 24: Environmental Standards, other provisions of this Ordinance as may be applicable.

**End of Article 13**



Article 14

This Article Reserved for Future Use

**End of Article 14**

## Article 15 Renters Ordinance

### Section 15.01- Intent

The intent of this Ordinance is to promote the health, safety, and welfare of the People of Mason Township. The ordinance establishes and requires the registration, licensing, and inspection of all rental-housing standards for the condition, care, upkeep, and maintenance of all such rental-housing units in Mason Township. Furthermore, together with the structures in which they are situated, any accessory structures associated with the housing unit; directing and requiring specified inspections thereof; establishing enforcement and notice procedures; providing for penalties for the violation of this Ordinance; and to protect the integrity of rental housing in Mason Township.

### Section 15.02 – Definitions:

The following terms, which are used in this Ordinance, shall be defined or shall include, in addition to any general and customarily used meaning or definition, the following:

- a. Rental dwelling unit: A collection of rooms, in a building or structure, which is intended to be occupied by a tenant, and or those persons occupying the premises with him, as a place of person or persons, to live in and sleep in, to do their own cooking, with its own water and toilet facilities, separate from other persons, whether in the same building, or in a separate building. It is anticipated that a facility, which only provides sleeping rooms, with common toilet facilities and no cooking facilities will be considered as a rental dwelling unit under this Ordinance.
- b. Landlord: The owner, manager, rental agent, or other person, or corporation, in a dwelling unit leased or let for residential use and occupancy.
- c. Tenant: The responsible person or persons temporarily occupying a residential dwelling unit belonging to another party leased or let by a Landlord.
- d. Occupant: Any natural person, over one year of age living and sleeping in a residential dwelling unit, or having actual possession of such a unit.
- e. Apartment house: Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as a home or residential unit of three or more families, independent of each other and doing their own cooking, and shall include flats and apartments.
- f. Building inspector: As used in the Ordinance, the duly authorized representative of Mason Township, charged by the Mason Township Board with the administration, inspection, and enforcement of the provisions of this Ordinance.
- g. Habitable room: Any room within a structure designed or used for living, sleeping, eating, or cooking. Bathrooms, toilet compartment, closets, halls, storage or utility spaces, and similar areas, are not considered habitable rooms. Habitable rooms must meet all lights, ventilation, and area standards of this Ordinance.
- h. Rubbish: Shall include, but not limited to, any combustible or non-combustible waste materials, garbage, and food, products, and not be restricted to paper, rags, cartons, boxes, wood, building materials, glass, and residue [residue] the burning of combustible materials.
- i. Plumbing system: Shall include all of the following supplied facilities, equipment, and the operation thereof; Water pipes, garbage disposal units, sewage pipes, toilets, catch basins, drains, vents, other supplied fixtures, together with all connections to water and sewage system.
- j. Electrical system: Shall include all of the following supplied facilities, equipment, and the operation thereof; electrical wiring, electrical distribution systems, electrical protection systems, and any device using or connected to electrical wiring, together any device using electricity.
- k. Heating system: A device or system designed or used to provide rooms of a housing unit with a minimum interior temperature of 60° - 75°F.
- l. Unfit for human habitation: Any dwelling unit or habitable room, which, because of its condition or the condition of the structure in which it is situated; or the condition of the lot on which the dwelling unit sits; or any accessory structure stands; renders the same danger to life, safety, morale, or general welfare of the occupants, or of the public, shall be deemed unfit for human occupation.

### **Section 15.03 - Minimum Standards:**

The following are the basic minimum standards for rental housing unit. Every dwelling unit must meet these standards and contain the basic equipment and facilities specified in this Section;

- A. Kitchen: Every dwelling unit having food preparation facilities shall have in the food preparation area the following equipment in full and proper working condition. A sink connected to the municipal water and sewer, when available, and either a stove and refrigerator, or a place in which said appliances, (if the appliances are to be provided by tenant) might be located.
- B. Toilet, lavatory and bath: Every dwelling unit shall contain a separate room which affords privacy to a person within said room and which is equipped with a flush toilet, a lavatory basin and bathtub or shower, all in good working condition and connected to the water and sewer systems where available.
- C. Water heating facilities: Each kitchen and bath of each dwelling unit shall have hot and cold running water, properly installed, in good working condition, in sufficient quantity, and connected to water and sewer systems.
- D. Heating facilities: Every dwelling unit shall have heating facilities in a safe and good working condition, and capable of adequately heating all habitable areas of the dwelling unit to a minimum interior temperature of 60°F. All mechanical equipment shall be maintained in a safe and good working condition. Portable heating equipment employing a flame and portable heating equipment using gasoline or kerosene as a fuel, are prohibited.
- E. Electrical service: Every existing kitchen and habitable room in the dwelling unit shall contain at least two separate floor or wall electrical outlets. Cords to appliances and other electrical devices shall not be permitted to run through doorways, under rugs, be stapled to wood baseboard, or run through holes in partitions or floors. All outlets and fixtures shall be properly installed and maintained in a good working condition, and shall be connected to an outside source of electrical power in a safe manner.
- F. Ventilation: Every habitable room on an outside wall of the dwelling shall have at least one window or skylight which can be easily opened for adequate ventilation, except where there is supplied some other device or method of affording adequate ventilation, which is approved by the Building Inspector.
- G. Lighting in public halls: Every public hall, and/or stairway, in an apartment house or multiple dwelling unit, shall have at all times adequate light, and/or lighting fixtures, maintained by the Landlord.
- H. Smoke detectors:  
Each individual rental unit, apartment, house, etc. shall have an approved, and fully operational smoke detector in each individual unit. Every apartment house or multiple dwelling unit shall have a smoke detector in each hallway serving one or more individual housing units. Each smoke detector shall be properly inspected by the Building Inspector at such time as building is inspected, and the working order of the smoke detector shall be indicated on the inspection form. Tenant is responsible to maintain smoke detector and keep in working order after initial inspection.
- I. Cleanliness of dwelling: Every dwelling unit, apartment, multiple dwelling unit, and every part thereof, shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage, and other matter in or on the same, or in the yards, courts, passages, or hallways belonging to the same, including the immediate property surrounding the dwelling unit.
- J. Infestation: Every dwelling unit, apartment, multiple dwelling unit, and every part thereof, shall be kept free of un-caged rodents, other similar pests, un-caged birds, cockroaches, fleas, lice, bedbugs, and vermin.
- K. Habitable rooms: Every dwelling unit shall have one or more habitable rooms, which together, contain the habitable floor area required by Section 4L (below).
- L. Habitable floor area: Every dwelling unit shall have at least 150 square feet of habitable floor area for the first occupant, plus 100 square feet of habitable, floor area for each additional occupant. Floor area shall be based on combined total area of all habitable rooms.
- M. Habitable sleeping rooms: Any room used as a bedroom or for sleeping purposes shall be a habitable room, as defined in Section 4L above. Every habitable room used for sleeping

purposes shall contain adequate space to maintain safe and sanitary conditions for the number of occupants sleeping in that room.

N. Exterior structure:

1. Structures: Every foundation, wall, and roof shall be reasonably weather tight, water tight, and rodent proof, and shall be capable of privacy and shall be kept in good repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be free of holes, breaks, or rotting boards or timbers, and any other condition which would admit rain, dampness, or rodents to the interior portions of walls, or which might provide harborage for insects or other carriers of disease. Exterior walls and wood trim must be sufficiently painted to prevent same from deteriorating and becoming havens for rodents, insects, and other carriers of disease. Except for health and safety, land should be exempt from exterior maintenance from October thru April. The roof shall be structurally sound, tight, and have no defects which would admit rain.
2. Exterior attachments: Exterior attachments to basic structural elements, including, but not limited to, gutters, downspouts, screening, vents, antennae, awnings, utility connections, etc., shall be in good repair.
3. Stairs and porches: Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected; and shall be kept in sound condition and good repair. In case of a flight of stairs with more than three (3) risers, the Building Inspector may require a handrail. Such handrails shall be firmly fastened and shall be maintained in good condition.
4. Openings: Every window, exterior door, and basement exterior door and their frames shall be substantially tight and shall be kept in sound condition and repair so as to be weatherproof. All exterior windows will be equipped with screens to keep out rodents, insects, and other carriers of disease. Screen maintenance is tenant's responsibility after initial inspection.
5. Chimneys: All chimneys shall be in sound condition, free of holes or breaks.
6. Street numbers: All buildings shall bear distinctive street numbers at or near the front entrance of said building.

O. Unsafe dwellings: No responsible party shall keep or maintain a dwelling unit that is in an unsafe condition due to, but not limited to, the following:

- a. Unsanitary conditions (tenant responsibility);
- b. Inadequate exit facilities;
- c. Existence of a fire hazard;
- d. Any condition which is dangerous to human life or to the public welfare; or
- e. Maintenance by code

P. Building codes: Every unit and structure shall comply with all applicable building codes and other ordinances adopted or herein after adopted by Mason Township as minimum building and use requirements and incorporated in this Ordinance by reference.

### **Section 15.04 – Landlords – Tenant Relations:**

All residential tenancies, and all relations between Landlords and residential tenants shall be governed by, and construed in accordance with the State of Michigan Landlord — Tenant Relationship Act, that being [g] Act 348, Public Acts of Michigan of 1972, as amended [amended]. That said Michigan Act is incorporated here by reference and any violation of said Michigan Act is a violation of this Ordinance.

### **Section 15.05 - Responsibilities of Owners and Landlords:**

Each Landlord or Owner of Residential Rental Housing units shall be responsible for the following:

**A. Compliance with minimum standards:** No residential dwelling or residential dwelling unit shall be let, rented, or leased, nor shall any tenant or other party be allowed to occupy the dwelling unit, unless said unit shall comply with the minimum standards as provided by this Ordinance.

**B. Certificate of approval:** No residential dwelling or residential dwelling unit shall be let, rented, or leased, nor shall any tenant or other party be allowed to occupy the dwelling unit, unless said unit shall have been properly

inspected and a CERTIFICATE OF APPROVAL issued by the Mason Township Zoning Administrator, as hereinafter provided. The owner, agent, or landlord / landlord, shall have the duty of notifying the Township to request an inspection.

**C. Discontinuance of services:** No owner, agent, or landlord shall cause any service, facility, equipment, or utility which is required, under this Ordinance to be furnished by the Landlord, or which the owner, agent, or landlord has agreed to furnish to the tenant, to be removed from, discontinued, or disconnected from the dwelling unit occupied by the tenant, except in the case of an extreme emergency, or when necessary while actual repairs and alterations are in process. This provision shall not apply when, and under such cases, where the tenant, under the terms of a lease or rental contract or agreement, has expressly assumed payment for the services or the utility, in writing, by the tenant, under the terms of a lease or rental contract or agreement.

**D. Garbage storage and removal:** No owner, agent, or landlord shall let, rent, or lease any residential dwelling unit without first providing proper containers, with covers available, or the equivalent thereof, for garbage and trash disposal for each residential unit, and shall provide an area for the temporary storage of such trash, rubbish, and garbage. FURTHERMORE, a regular scheduled service for the pick-up and removal of such trash, rubbish and garbage shall be maintained, either by the owner, agent, or landlord, or by the renter, with a provision in the contract, as to allow or permit no accumulation of such trash, rubbish, and garbage for more than seven (7) days.

## **Section 15.06 Application for Rental Dwelling Permits, Fees, and Inspections:**

### **A. Registration of existing dwelling units:**

1. On or before sixty (60) days from the enactment of this Ordinance, each owner, agent, or landlord of any existing residential dwelling unit shall register his dwelling unit(s) with the Zoning Administrator and make application for an inspection of the premises by the Zoning Administrator and Township Building Inspector contain the name, address, and telephone number of the owner, agent, and landlord. The forms shall describe the premises of units being rented, and such other information as required by the Township.
2. A copy of this Inspection Report will be provided to the owner, agent, or landlord, and filed with the Township. If the Zoning Administrator and Township Building Inspector find that the premises meet all the requirements and criteria provided in this Ordinance, together with the requirements and criteria of other appropriate Township, State, or Federal Ordinance/Statute, the Zoning Administrator, shall issue a CERTIFICATE OF APPROVAL, for each such structure and for each individual housing unit.
3. If the Township Building Inspector and Zoning Administrator determine that the premises do not meet all the requirements and criteria provided by this Ordinance, and criteria of other Township, State, or Federal Ordinances/Statutes, the owner, agent, or landlord shall be given Notice of Discrepancies. The owner, agent, or landlord will have 30 days, or, 60 days if contractor is required except in a case of health or safety, in which to correct or alleviate any Noted Discrepancy.
4. The Township shall keep and maintain a registry of all rental units issued a CERTIFICATE OF APPROVAL. A copy will be sent to the owner. If any unit shall not pass the initial inspection, and requires a re-inspection, Sub-sequential re-inspection fees must be paid prior to re-inspection.
5. The owner, agent, or landlord of a rental unit shall be notified by certified mail of the date and time of any inspection prior to the inspection. It will be the responsibility of the owner, agent, or landlord to set a convenient date with the Zoning Administrator and/or Building Inspector for inspection within ten (10) days of notification.
6. Landlords must register their properties and arrange for an inspection with the Township Zoning Administrator upon purchase of property, changing owner of property, and/or turning a property into rental housing. The following is the fee schedule for registration and first inspection:
- 7.

**B. Inspection:** Upon receipt of the initial Application for Registration from an owner, agent, or landlord, the Township Building Inspector and the Zoning Administrator, shall make a Physical Inspection of each rental housing unit, together with the building and/or structure in which said units are situated.

**Section 15.07 - Biennial Fees For Rental Structures**

RESIDENTIAL

Single Family

Registration Fee .....	50
Inspection Fee .....	150.00

Multiple Family

First Unit Inspection Fee .....	150.00
Each Additional Unit Inspection Fee .....	30.00

COMMERCIAL

Registration Fee .....	50.00
Each Occupancy Inspection Fee .....	150.00

If a property does not pass the first inspection, there will be a \$50.00 re-inspection fee per unit. If a property fails to pass again, the third and any additional inspections will cost \$75.00 per unit. Fees regarding to fail to have property inspected are still applicable. If a complaint is filed regarding a rental property, the Township has the right to inspect the unit at any time, with giving notice to the landlord. If the units fail inspection, the above fees will apply. These fees are in addition to any summons, fines, etc. that might incur.

**C. Frequency of inspection:** Unless a complaint is received, each unit will be inspected every two years.

**D. Inspection upon complaint:**

1. A dwelling or rental unit may be inspected at any time by the Township Building Inspector upon authorization from the Township Board. After contacting the owner on the basis of a legitimate signed complaint received by the Township Board indicating that there is a probable violation of any of the standards of this Ordinance.
2. If such an inspection after a complaint discloses a legitimate violation of this Ordinance, then the owner, agent, or landlord of that unit shall have thirty (30) days or sixty (60) days if a contractor is used in which to make any corrections and eliminate the discrepancy. After the corrections are made, or the discrepancy eliminated, the owner, agent, or landlord shall notify the Township Building Inspector and apply for a re-inspection. If the premises pass the re-inspection, a new CERTIFICATE OF APPROVAL shall be issued by the Zoning Administrator.
3. If such an inspection after a complaint discloses a legitimate violation of this Ordinance, then the owner, agent, or landlord of that unit shall be liable for an inspection fee of \$75.00 per building, plus \$25.00 per rental unit over one. For any subsequent re-inspections required as a result of the failure of an initial inspection, the fee will be \$75.00 per rental unit to be re-inspected.
4. In the event that a private individual makes a complaint, the Township Office will require a refundable inspection fee from complainant before inspection. If the inspection which was made as a result of the complaint discloses no legitimate violation of this Ordinance, then the individual making the complaint shall be liable to the Township for the inspection fees. No repercussion will be imposed upon a tenant with a legitimate complaint.
5. The Township shall not release any information regarding the name, address, or telephone number of any person who reports a legitimate violation of this Ordinance except:
  - a) By consent of Complainant [Complainant];
  - b) Pursuant to the Freedom of Information Act;

c) By Court Order.

**E. Failure to have unit inspected:** Should the owner, agent, or landlord of any unit fail to make his unit available for any scheduled inspection, fail to appear for any scheduled inspection, or fail to notify the Township Inspector of the necessity to reschedule an inspection at least 24 hours prior to a scheduled inspection, the following penalties shall apply:

- (a) Additional charge for failure to meet first scheduled appointment: \$25.00
- (b) Additional charge for failure to meet second scheduled appointment: \$50.00
- (c) Additional charge for failure to meet third scheduled appointment: \$75.00
- (d) Additional charge for failure to meet fourth scheduled appointment: \$100.00
- (e) (Also for each additional after the fourth missed appointment)

**F. Non-compliance** Noncompliance with the terms and provisions of this Ordinance shall be reported to the Township Board, in writing, and with a request for appropriate enforcement.

**Section 15.08 – Penalties and Enforcement:**

Any person, corporation, or the owner, agent, or landlord of any rental housing unit who shall violate any provision of this Ordinance, shall upon conviction thereof in a Court of competent jurisdiction, be subject to a fine of not more than \$500.00 per violation, or imprisonment in the County Jail for a period not to exceed 90 days, or both. Each day that a violation shall be permitted to exist or continue following the initial 3 days after notice shall constitute a separate offense. Fines and punishment shall be at the discretion of the Court.

**Section 15.09 – Procedure for Appeal:**

**A. Appeal hearings:**

Appeals from the rulings of any official charged with the enforcement of this Ordinance, and any of the provisions relating thereto, are to be directed to the Township Board.

**B. Procedure:**

1. Appeals or complaints to the Township Board must be submitted in writing within Ten (10) days of the decision.
2. Upon the receipts of an Appeal, the Zoning Administrator, the Building Inspector, or such Official from whose decision the appeal is directed, shall provide the individual members of the Township Board with a summary report reviewing the history of the case and a synopsis of all actions taken.
3. The Township Board shall then fix a reasonable time for a hearing of the appeal.
4. Due Notice of the Hearing shall be provided to all interested parties.

**C. Decision of the Township Board:**

1. The Township Board shall have the power to affirm, reverse, modify, in whole or in part, the decision of the Zoning Administrator, or, the Building Inspector charged with the enforcement or interpretation of this Ordinance.
2. The decision of the Township Board will be final.

**Section 15.10 – Severability** In the event that any Court of competent jurisdiction shall rule any part or parts of this Ordinance void, the rest and remainder of this Ordinance shall remain in full force and effective.

**End of Article 15**

**Article 16**  
**STANDARDS FOR SPECIAL LAND USES**

The following standards apply to the special land uses permitted by special approval in Articles 10 through 15 of this Ordinance. The regulations contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. Section 16.01 includes general standards applicable to all special land uses. The remaining sections of this Article include standards which are specific to particular special land uses.

**Section 16.01 General Standards Applicable To All Special Land Uses**

**A.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use or parking areas.
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole.
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
6. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
7. Protect the natural environment and special natural resources, such as wetlands, woodlands, hillsides, and water courses, and ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
9. Insure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
10. Meet the site plan review requirements of Article 6.
11. Conform with all applicable county, state and federal requirements for that use.

**Section 16.02 Adult Foster Care Facilities**

**A. The following site and developmental requirements shall apply:**

1. A state licensed adult foster care group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.



**B. Special Performance Standards:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. In the case of an adult foster care large group home, the driveway may not be used for this purpose.
2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

**Section 16.03 Airplane Landing Strips**

**A. The following site and developmental requirements shall apply:**

1. Landing strips shall be for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only.
2. Landing strips shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a distance of fifty (50) feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at the ends of the landing strip to allow a clear approach slope of 20: 1
3. Landing strips shall be situated on a parcel of at least twenty (20) acres in size.

**B. Special Performance Standards:**

1. Approval of landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.

**Section 16.04 Automobile Service And Repair Stations**

**A. The following site and developmental requirements shall apply:**

1. For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
2. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
3. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measure the edge of the driveway to the lot line.
4. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
5. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
6. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
7. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
8. There shall be no storage/dispensing tanks on the site without leak-proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only

- for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
3. Sales of new and used motorized vehicles shall not be permitted.
  4. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
  5. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
  6. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
  7. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

## **Section 16.05 Bed And Breakfast**

### **A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single- family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent parties or necessitate on-street parking.

### **B. Special Performance Standards:**

1. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by prearrangement. A continental or American breakfast may be served to overnight guests only. A breakfast that includes more than coffee, juice and commercially prepared rolls requires a permit from the Michigan Department of Community Health. The owner / applicant, with the zoning application, shall furnish proof of a food service permit from the Michigan Department of Community Health or a notice that no such permit is necessary.
2. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single-family character.
4. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
5. Each sleeping room shall have a separate smoke alarm as required in the building code.
6. A fire escape plan shall be developed and graphically displayed in each guest room.
7. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor.
8. The establishment shall contain at least two (2) exits to the outdoors.
9. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
10. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
11. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
12. Lavatories and bathing facilities shall be available to all persons using the premises.
13. No separate or additional kitchen facilities shall be provided for the guests.
14. Retail sales are not permitted beyond those activities serving overnight patrons.
15. Meals shall not be served to the public at large but only to guests.
16. No receptions, private parties or activities for which a fee is paid shall be permitted.
17. Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.

## **Section 16.06 Cemeteries, Crematories And/Or Mausoleums**

### **A. The following site and developmental requirements shall apply:**

1. All ingress and egress to the site shall be from a major thoroughfare.
2. The site shall not interfere with the future development of a system of collector and larger streets in the vicinity.
3. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be two (2) acres.
4. No more than five percent (5%) of the site area may be occupied by buildings.
5. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than thirty (30) feet from any lot line or street right-of-way
6. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

**B. Special Performance Standards:** All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Cass County Health Department and the State of Michigan

## **Section 16.07 Commercial Stables**

### **A. The following site and developmental requirements shall apply:**

1. Commercial stables shall have a minimum lot size of ten (10) acres for the first seven (7) horses and an additional one-half (1/2) acre for each horse thereafter.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Stables may not be located in platted subdivisions or condominium subdivisions.
4. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

### **B. Special Performance Standards:**

1. All stables shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals shall be maintained in a healthy condition and carefully handled.
3. The facility shall be constructed and maintained so that dust and drainage from the stable will not create nuisance or hazard to adjoining property or uses.
5. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
6. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
7. Stables, corrals, and piles of manure or feed shall not be located nearer than two hundred (200) feet to any lot line and one hundred fifty (150) feet from any right-of-way.
8. Enclosed riding arenas associated with commercial stables shall not exceed fifteen thousand (15,000) square feet in gross floor area.
9. No living quarters shall be located in any arena building.
10. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.
11. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

## **Section 16.08 Communication Towers**

### **A. The following site and developmental requirements shall apply:**

1. A minimum site of three (3) acres.
2. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
3. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot woven fence.

### **B. Special Performance Standards:**

1. All structures shall be located at least two hundred (200) feet from any single family dwelling.
2. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
3. The plans of the tower construction shall be certified by a registered structural engineer.
4. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
5. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
6. Accessory structures are limited to uses associated with operation of the tower.
7. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
8. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
9. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
10. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
11. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
12. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
13. Towers shall be located so that they do not interfere with reception in nearby residential areas.
14. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
15. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.
16. Minimum spacing between tower locations shall be one-quarter (1/4) mile.
17. Height of the tower shall not exceed two hundred (200) feet from grade.
18. Towers shall not be artificially lighted unless required by the Federal Aviation Administration,
19. Existing on-site vegetation shall be preserved to the maximum extent practicable.
20. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
21. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
22. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the Special Use Permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

**Section 16.09 Concentrated Livestock Operation**

**A. The following site and developmental requirements shall apply:**

- 1. Feedlots must be no closer than one-thousand (1,000) feet from any residential dwelling.
- 2. Minimum lot size shall be twenty (20) acres.
- 3. Structures associated with the livestock operation shall be located no closer than one hundred and fifty (150) feet to a public right-of-way or to any adjacent property line.
- 4. The area utilized for the dispensing of waste material shall be no closer than three hundred (300) feet to any public right-of-way, or to any adjacent property line.
- 5. All pastured animals shall be maintained at least fifty (50) feet from any dwelling on adjacent premises.

**B. Special Performance standards:**

- 1. All manure shall be incorporated or disposed of in accordance with best management practices recognized by the Michigan Department of Agriculture.
- 2. The feedlot and waste disposal facilities shall be set back a minimum of one thousand (1,000) feet from the high water mark of lakes, rivers, and tributaries, creeks and drainage ditches.
- 3. Appropriate runoff control devices, including but not limited to a vegetative buffer zone, shall be established to prevent sediment or manure from reaching neighboring property, drainage ways, wetlands and surface water.
- 4. Livestock operations shall be designed and managed to minimize odor impacts on neighboring properties
- 5. Accurate records shall be kept of manure application rates and soil nutrient loading.

**Section 16.10 Convalescent Or Nursing Homes**

**A. The following site and developmental requirements shall apply:**

- 1. All ingress and egress for the site shall be from a major thoroughfare.
- 2. No building shall be closer than fifty (50) feet to any lot line.

**B. Special Performance standards:**

- 1. Parking areas shall not be located within fifty (50) feet of an a residential district or use.
- 2. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

**Section 16.11 Churches And Religious Institutions**

**A. The following site and developmental requirements shall apply:**

- 1. All ingress and egress for the site shall be from a major thoroughfare.
- 2. The site shall be at least two (2) acres in size.
- 3. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface
- 4. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
- 5. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation The spire is excluded.

**B. Special Performance Standards:**

- 1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
- 2. No day care center, private school, or other use requiring a Special Approval shall be allowed without a separately approved Zoning Permit for each use.

3. Signs shall be limited to one (1) identification sign and one (1) changeable message board. The identification sign shall have a maximum area of twenty-four (24) square feet. Both signs may be lighted but not internally.

### **Section 16.12 Drive-In Establishments**

#### **A. The following site and developmental requirements shall apply:**

1. All egress and ingress to the site shall be from a paved major thoroughfare.

#### **B. Special Performance Standards:**

1. The outdoor space used for parking and vehicular stacking shall be hard surfaced.
2. No drive shall be closer than seventy-five (75) feet to any other drive and the maximum number of driveways permitted is two (2).
3. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.

### **Section 16.13 Shooting Ranges**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum Lot Area shall be forty (40) acres.
2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.

#### **B. Special Performance Standards:**

1. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
4. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.
5. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.
6. Hours of operation shall be between 8:00 a.m. and dusk.

### **Section 16.14 Veterinarian Clinics**

#### **A. The following site and developmental requirements shall apply:**

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line or any adjacent building used by the general public, and shall not be located in any required yard.

#### **B. Special Performance Standards:**

1. Uses permitted include medical treatment, retail sales of animal supplies and accessories related to the care of animals, and boarding of animals during medical treatment. Boarding of animals not receiving medical treatment shall be permitted provided such boarding activities operate only as an accessory use or activity of the clinic.
2. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock.
3. All principal use activities shall be conducted within a totally enclosed main building.
4. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.
5. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
6. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

## **Section 16.15 Group Home Day Care Facilities**

### **A. The following site and developmental requirements shall apply:**

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
  - a. Another licensed group day care home.
  - b. An adult foster care large group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. A community correction center, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

### **B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

## **Section 16.16 Junkyards**

### **A. The following site and developmental requirements shall apply:**

1. No portion of the enclosed area shall be located within two hundred (200) feet of residentially zoned properties or within five hundred (500) feet of schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
2. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Commission finds that such access point will further minimize impacts on other properties.
3. The minimum lot or parcel size for junkyards shall be ten (10) acres.
4. All enclosed areas shall be set back at least one hundred (100) feet from any lot line.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
6. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
7. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 23.04 of this Ordinance.
8. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

**B. Special Performance Standards:**

1. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

**Section 16.17 Kennels**

**A. The following site and developmental requirements shall apply:**

1. A kennel shall include at least four hundred (400) feet of frontage and be at least five (5) acres in size.
2. Kennels may not be located in a platted subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (1 00) to any adjacent residential lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

**B. Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
8. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Article 23.
9. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
10. All animals must be licensed and maintained in a healthful and careful manner.
11. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
12. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.



## **Section 16.18 Mini Storage (Warehouse) Facilities**

### **A. The following site and developmental requirements shall apply:**

1. The facility shall have direct access to a paved major thoroughfare.
2. The minimum lot or parcel size for mini storage facilities shall be 2 acres.
3. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
4. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

### **B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
3. Storage spaces shall not contain more than 400 square feet each.
4. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton capacity shall be permitted.
5. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
6. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
7. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

## **Section 16.19 Motels**

### **A. The following site and developmental requirements shall apply:**

1. Ingress and egress to the motel shall be only from a paved major thoroughfare.
2. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent.

### **B. Special Performance Standards:**

1. No kitchen or cooking facilities shall be provided in guest rooms.
2. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.
3. No guest shall establish permanent residence at the motel.

## **Section 16.20 Multiple Family Development**

### **A. The following site and developmental requirements shall apply:**

1. Multiple family dwelling units shall be permitted at a density no greater than six (6) units per acre.
2. All developments for multiple family dwellings shall have direct access to a paved major thoroughfare.

### **B. Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development which shall be designed to minimize congestion and interference with normal traffic flow.
2. All streets and driveways in the development shall be constructed and maintained with an all-weather road surface.
3. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.

4. The distance between any two (2) residential structures, which occupy the same lot, shall be not less than thirty (30) feet if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
5. All public sewer facilities shall comply with all county, state, and federal standards and regulations.
6. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) of the site area or five hundred (500) square feet per four dwelling units, whichever is greater.
7. All group off-street parking facilities shall be adequately lighted during hours of darkness.
8. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
9. All developments shall provide for underground installation of all utilities.
10. Only the following land and/or building uses shall be permitted.
  - a. Multiple family dwellings as defined in this Ordinance.
  - b. One (1) office space for conducting the business of the development.
  - c. Utility areas for laundry facilities and auxiliary storage for tenants.
  - d. Recreation area such as community buildings, playgrounds, and open space for tenants.

## **Section 16.21 Open Air Businesses**

### **A. The following site and developmental requirements shall apply:**

1. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
2. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
3. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
4. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
5. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

### **B. Special Performance standards:**

1. Not more than fifty percent (50%) of the parcel shall be covered by buildings and outdoor storage of materials and goods.
2. Storage or display of goods and materials shall not occur in the required yards.
3. Christmas tree sales associated with nurseries need not comply with the requirements of Section 18.06(A)(3).
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.
5. In the case of auto sales:
  - a. No vehicles which are unlicensed and/or inoperative shall be maintained on the premises except where such unlicensed vehicles are awaiting sale or such inoperative vehicles are undergoing repairs as part of an accessory use or activity in conjunction with the car sales operation.
  - b. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and vapor replacement.
  - c. There shall be no test-driving of vehicles on local residential streets.
  - d. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

## **Section 16.22 Outdoor Commercial Recreation**

### **A. The following site and developmental requirements shall apply:**

1. The site shall be located on a major thoroughfare.
2. Minimum site area shall be:
  - a. Three (3) acres for; flea markets, batting cages, skateboard parks and mini-golf.
  - b. Ten (10) acres for; amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.
  - c. Eighty (80) acres for a nine hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
  - d. Twenty (20) acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, ski slopes, go-cart racing, automobile and motorcycle tracks, and campgrounds, including youth camps, religious retreats, and hunting camps. Minimum lot width shall be six hundred (600) feet. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
3. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
4. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
5. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
6. A fifty- (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

### **B. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
7. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
8. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.

### **C. Special Performance Standards for Drive-in Theaters**

1. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.

### **D. Special Performance Standards for Camping Facilities**

1. Each campsite shall contain a minimum of one thousand five hundred (1,500) square feet.
2. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
3. A common use area shall be provided in the parcel of five hundred (500) square feet per campsite.

4. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
5. At least one public telephone shall be provided in the facility.
6. Maximum density for campgrounds shall be fifteen campsites per acre.
7. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
8. Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one facility per twenty (20) campsites.
9. Each campsite shall have a picnic table and designated place for fires.

**E. Special Performance Standards for Golf Courses and Country Clubs**

1. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
2. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
4. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted but not be internally.
5. A site plan of the proposed development shall be reviewed and approved in accordance with Article 6 of this Ordinance. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public streets that pedestrian and vehicular traffic safety is maximized.
6. Development features shall be shown on said site plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize possible adverse effects upon adjacent property.
7. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may modify this requirement.
8. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
9. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
10. Additional parking is required for accessory uses that may be allowed.
11. All parking areas shall be surfaced or so treated as to prevent any dust nuisance
12. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
13. Toilet facilities for use by patrons shall be located conveniently. Such facilities shall be approved by the County Health Department.
14. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction and until all ground cover established.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site pending area.

- d. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
- e. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
- f. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
- g. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
- h. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
- i. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
- j. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security

**Section 16.23 Planned Unit Developments (See Article 17)**

- 1. Swimming pools shall conform with the requirements of Section 18.04.

**Section 16.24 Public Facilities**

**A. The following site and developmental requirements shall apply:**

- 1. The site shall be at least twenty thousand (20,000) square feet in size.
- 2. No building shall be closer than fifty (50) feet to any property or street right-of-way line.
- 3. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
- 4. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
- 5. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

**B. Special Performance Standards:**

- 1. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.
- 2. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

**Section 16.25 Schools**

**A. The following site and developmental requirements shall apply:**

- 1. Ingress and egress to the site shall be only from a paved major thoroughfare.
- 2. The minimum lot or parcel size for schools shall be five (5) acres.
- 3. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
- 4. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
- 5. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- 6. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- 7. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
- 8. The principal building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

**Section 16.26 Excavation**

**A. Exempt activities:** A zoning permit for a special land use is not required for the following extractive activities:

1. Grading and filling in conjunction with commercial, industrial, or residential construction provided a valid building and soil erosion and sedimentation control permits have been issued.
2. Foundations and building pads for any building or structure, provided that a valid building and soil erosion and sedimentation control permits have been issued.
3. Minor landscaping projects provided they do not encroach upon flood-prone areas, protected wetlands, natural drainage ways or the county drainage system.
4. Swimming pool construction provided a valid Zoning Permit has been issued for construction of the pool (see Section 18.04).
5. Excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.
6. Excavations or leveling for private drives to provide ingress or egress which have been approved by the Township and County Road Commission.

**B. The following site and developmental requirements shall apply:**

1. Minimum site of five (5) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance. excavation activities shall be set back the following minimum distance:
  - a. 100 feet from the right-of-way of any public street, private road, or highway.
  - b. 150 feet from abutting residentially zoned property.
  - c. 100 feet from commercial or industrial zoned abutting property.
  - d. 200 feet from any natural or existing man-made surface water body, watercourse, or wetland.
3. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.

**C. Special Performance Standards:**

1. All operations shall be conducted in a safe manner, especially with respect to hazards to persons damage to adjacent lands or collapse of supporting soil adjacent to an excavation.
2. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Natural Resources permit.
3. No slope on the finished site shall exceed a slope of 3:1 (horizontal-vertical).
4. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
5. Topsoil stockpiles shall be seeded to prevent wind and water erosion.
6. All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters.
7. The excavation shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
8. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
9. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
10. Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
11. Truck or heavy vehicle traffic related to excavation operations shall use major thoroughfares for access.
12. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.

13. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
14. Equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.
15. All permitted buildings, structures and stationary equipment associated with excavation activities
16. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 7:00 p.m. and shall be prohibited on legal holidays and Sundays. The zoning administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
17. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
18. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or art factual materials are discovered.
19. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
20. All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to phasing plan approved by the Planning Commission.
21. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.
22. Excavated areas shall be reclaimed under the following standards:
  - a. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
  - b. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - c. A layer of arable topsoil, of a quality approved by the zoning administrator, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved reclamation plan.
  - d. Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture. Soil Conservation Service, and shall be approved by that agency.
  - e. Where excavation operations result in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
  - f. Backfill and grading materials shall not be noxious, flammable or toxic.
  - g. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - h. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

- i. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
23. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to 1 00 percent of the estimated reclamation costs of two cell areas.

**D. Additional Materials to be Submitted for Special Land Use Permit Review:** In addition to the data requirements of Section 6.03, each application for a Special Use Permit shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
2. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
3. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
4. Location, width and grade of all easements or rights-of-way on or abutting the area subject to excavation.
5. A statement from the applicant identifying all other federal, state and local permits require.
6. Proof of liability insurance from the operator.
7. Notification of any deed restrictions on the property
8. Name of financial institution backing the excavation operation.
9. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
10. The existing surface water and drainage patterns.
11. Vertical aerial photograph, enlarged to a scale of one inch equals 200 feet, from original photography flown at a negative scale no smaller than one inch equals 1,000 feet, and certified as flown not earlier than two (2) months prior to date of application. This provision may be waived by the Planning Commission where alternative photography satisfying the purpose of this Section is made available. The vertical aerial photograph shall cover:
  - a. All land requested in permit application
  - b. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage or other permitted use.
  - c. All lands within one-half mile of proposed planned excavation area.
  - d. Existing zoning classification overlaid on all areas shown on the map.
12. A hydrogeological report of the proposed excavation site. Such a report shall, at a minimum, provide:
  - a. A detailed description of subsurface conditions.
  - b. Depth of water table throughout the planned excavation area.
  - c. A map depicting the thickness and depths of material to be excavated.
  - d. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
  - e. A recommendation of the necessity to install monitoring wells.
13. A discussion of the proposed method of excavation, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.



- f. Area from which excavation will take place in the first year of operation and likewise for each successive year to completion.
- 14. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- 15. Proposed plans for fencing, and signs.
- 16. Provisions for buffer zone, landscaping and screening.
- 17. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
  - a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
  - d. A reuse plan for the site once excavation is complete.
- 18. Site plan and associated background reports shall document the method of compliance with the performance standards of this section.

**E. Other conditions:** The conditions of any Zoning Permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation.

- 1. When an operator disposes of his interest in excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Zoning Permit may be transferred.
- 2. Excavation operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
- 3. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.
- 4. When activities on or use of the area subjected to excavation, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional excavation activities can occur. Cessation may be determined by any of the following events:
  - a. The completion of the excavation.
  - b. The Township determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Township has received notification from the owner that operations are complete.
  - d. A zoning permit for the excavation has expired.

**F. Existing Excavation Areas:** All commercial excavations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. Future operations shall include expansion into new areas or areas not covered by a Township issued permit validly in place at the effective date of this Ordinance and shall require a Zoning Permit for Special Land Use.

## **Section 16.27 Section 506 Open Space Preservation Development (Ospd).**

**A. Additional Materials to be Submitted for Special Land Use Permit Review:** In addition to the data requirements of Section 6.03, each application for a Special Use Permit shall include the following:

1. **Unified Control:** The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions, that indicate there is a single person or entity having proprietary responsibility for the full completion of the project and that the development will be completed in its entirety as proposed.
2. **Conventional Plan:** At the time the applicant submits a preliminary site plan for an OSPD, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the typical lot area and lot width standards of the District in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The number of lots and dwellings determined by the Township Board to be reasonably attainable by conventional design shall be the maximum number of lots and dwellings permitted for the OSPD.
  - a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and Township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of this subsection.
3. **Open Space Protection Restrictions:** At the time the applicant submits a preliminary site plan for an OSPD, the applicant shall also submit draft conservation easement or deed restrictions that ensure the permanent protection of designated open space according to subsection (B)(4) below. Such restrictions shall be forwarded to the Township Attorney for review and comment.

**B. The following site and developmental requirements shall apply:** An OSPD shall be subject to the same use and development regulations of the District in which it is located except as follows:

1. **Number of Lots and Dwelling Units:** The number of lots and dwelling units that can be attained under an OSPD shall not exceed that number attainable under a Conventional Plan according to (A)(2) above.
2. **Minimum Lot Area:** The minimum lot area shall be the minimum necessary to comply with all applicable standards and permit requirements of the Cass County Public Health Department.
3. **Minimum Lot Width:** The minimum lot width shall be equal to one-quarter (1/4) of the depth of the lot, except that in no case shall a lot be less than sixty-six (66) feet in width nor have less than sixty-six (66) feet of frontage. In addition, in no case shall a lot along an existing public road have a width less than that which is normally required by the District in which it is to be located.
4. **Open Space:**
  - a. A minimum of fifty percent (50%) of the parcel shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land. For the purposes of this Section, the following terms and phrases shall have the following meanings:
    - 1) "Conservation easement" means that term as defined in section 2140 of The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
    - 2) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area,

greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

- 3) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- b. The dedicated open space shall forever remain open space, subject only to uses designated on the approved site plan and in compliance with the above definition for "undeveloped state". Further subdivision of open space land or its use for other than preservation in an undeveloped state shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Board that all open space portions of the development will be maintained in perpetuity and in the manner approved. The open space conveyance shall require that there shall be no clearing, grading or construction in such open space except as may be specifically delineated on the Township-approved site plan. The conveyance shall bind all successors and future owners in fee title to commitments made as a part of the proposal.
- c. Dedicated open space may include flood plain areas, but dedicated open space established to meet minimum open space requirements shall not include required yard setback areas, roads and road rights-of-way, public rights-of-way, and year round submerged lands including year round submerged wetlands (as defined by the Michigan Department of Environmental Quality).

**C. Special Performance Standards:**

1. Utilities: The Project shall provide for underground installation of all utilities where feasible, and public water and sanitary sewer service shall be provided to the project if such service is available.
2. Access and Circulation:
  - a. Access: The nearest edge of any entrance or exit drive for the project shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
  - b. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, any internal roads of the development where deemed necessary for public safety and welfare.
  - c. Vehicular Circulation: Construction of private roads as a means of providing access and circulation and increasing the rural character of the development project is encouraged. Private roads shall be constructed according to Section 20.05.
3. Natural Features: The development shall be designed to the greatest extent reasonably practical to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats.
4. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
5. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

**D. Permit Issuance:** Upon final approval of an application for a OSPD by the Township Board after receiving a recommendation from the Planning Commission, the Zoning Administrator shall withhold the issuance of a Zoning Permit until the applicant has recorded an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements shall be carried out in accordance with the approval unless a change is approved by the Township pursuant to the

Mason Township Zoning Ordinance, and shall file with the Register of Deeds all approved deed restrictions and easements including those associated with the protection of the project's designated open space areas. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents and a determination that such documents are satisfactory, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSPD project.

1. Approval of a OSPD and issuance of a Zoning Permit for the same shall not be interpreted as serving as simultaneous approval of dwellings or other structures in the development. Each lot within a OSPD shall be subject to a Zoning Permit for improvements to such lot, including the submittal of a plot plan according to Article 6.

(Ord. 04-10-07-01, April 10, 2007)

**End of Article 16**

## Article 17

### STANDARDS FOR PLANNED UNIT DEVELOPMENTS

The following standards apply to all planned unit developments which shall only be permitted by Special Approval, pursuant to Article 7, Provisions for Special Land Uses, according to the uses of land permitted by Special Approval in Articles 10 through 15 of this Ordinance. The standards and regulations contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise, including standards for site plan approval set forth in Section 6.05 and the general standards for any special land use in Section 16.01.

#### **Section 17.01 Approval Standards:**

**A. Minimum Eligibility:** To be considered as a planned unit development project, the proposed development project must be consistent with the intent of a planned unit development pursuant to Section 7.01 (A)(1)(a) through (f), and comply with the provisions of 17.01 (B) through (D).

**B. Permitted Uses:** The following uses shall be permitted within a planned unit development:

1. Single family platted subdivision, consisting of single family dwellings or two family dwellings.
2. Condominium subdivisions, consisting of single family dwellings or two family dwellings.
3. Nonresidential uses as part of the residential component of the planned unit development, provided the applicant can demonstrate by a site plan and expert analysis, and the Township Board finds, in its discretion, that the nonresidential uses shall principally serve the residential component of the planned unit development project.

**C. Minimum Parcel Size and Lot Width:** The minimum size of a parcel used for a planned unit development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.

**D. Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

#### **E. Dedicated Open Space:**

1. Guarantee of Open Space: The planned unit development shall include dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
  - a. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.
2. Open Space Requirements:
  - a. The total area of dedicated open space shall equal at least fifteen (15) percent of space shall not include required yard setback areas, roads, public rights-of-way, and year round submerged lands.
  - b. All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.

- c. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - (1) Indicate the proposed allowable use(s) of the dedicated open space.
  - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - (3) Provide standards for scheduled maintenance of the open space.
  - (4) Provide for maintenance to be undertaken by the Township of Mason in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- e. All dedicated open space must be a minimum of twenty (20) feet wide, except that the dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and run the full length of the right of way along the project site at a width of at least one hundred (1 00) feet.
- f. Dedicated open space must be easily accessible from all planned unit development dwelling units.

**F. Access and Circulation:**

- 1. Direct access: Direct access from a paved County road to a planned unit development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
- 2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the planned unit space development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.
- 3. Vehicular Circulation: Construction of private roads or private access drives as a means of providing access and circulation and increasing the rural character of the planned unit development project is encouraged. They shall meet clear view, drainage, and signage requirements of this Ordinance. Private roadways within a planned unit development must be constructed according to the provisions of Section 20.05, unless such provisions are exempted from the design requirements where the following findings are made by the Township Board of Trustees after receiving the recommendation of the Planning Commission:
  - a. a deed restriction is placed on the project site that perpetually vests private ownership and use of the land area used for the road in the parties adjoining the road and prohibits future transfer to the public; and,
  - b. a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the Township Board of Trustees.

**G. Natural Features:** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Township Board, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

**H. Lots and Dwelling Units:** The following minimum and maximum standards shall apply to all lots and dwelling units in planned unit developments:

- 1. Minimum Lot Area: The minimum lot area shall be that minimum lot area required within the zoning district within which the planned unit development project is to be located, except that a

twenty (20) percent reduction in lot area is permitted provided approval of an on-site sewage disposal permit by the Cass County Health Department is obtained.

2. Minimum Lot Frontage and Width:
  - a. Each parcel of land for a single-family detached residence shall have frontage of not less than sixty (60) feet, except for a corner lot which shall have continuous frontage of not less than seventy (70) feet along each front lot line.
  - b. Each parcel of land for a two family dwelling shall have frontage of not less than seventy-five (75) feet, except for a corner lot which shall have continuous frontage of not less than eighty-five (85) feet along each front lot line.
3. Yard and Setback Requirements:
  - a. Front Yard: Twenty-five (25) feet
  - b. Side yard: None if shared wall construction is used, ten (10) feet otherwise
  - c. Rear yard: Twenty (20) feet
  - d. Under no conditions shall a dwelling be closer than fifty- (50) feet to an exterior property line.
4. Maximum Building Height: Two and one half (2 1/2) stories or thirty-five (35) feet

**I. Utilities:**

1. The planned unit development shall provide for underground installation of all utilities.
2. A planned unit development permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.

**J. Scheduled Phasing:**

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.
3. Revision of Approved Plans: Approved plans for an open space development may be revised in accordance with the procedures set forth in Section 6.08.

**K. Applicable provisions of Article 20, Access Control and Private Roads:** Article 21, Off-Street Parking and Loading; Article 23, Landscaping and Screening; and Article 24, Environmental Standards.

**Section 17.02 Waiver Of Standards**

- A. The Township Board, following the recommendation of the Planning Commission, may waive any of the standards for a planned unit development contained in this Article, except 17.01(A-D), where the following findings are documented along with the rationale for the decision:
1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
  2. The spirit and intent of the open space development provisions will still be achieved.
  3. No nuisance will be created.

**End of Article 17**

**Article 18**  
**GENERAL PROVISIONS**

**Section 18.01 Intent And Purpose**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

**Section. 18.02 Keeping Of Animals**

**A. Wild Animals:** No wild animal nor vicious animal shall be kept permanently or temporarily in any district in the Township except in an accredited AAZPA (American Association of Zoologies, Parks and Aquariums) facility.

**B. Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animal," may be conducted as accessory to the principal residential use of a lot of five (5) acres or larger in the Agricultural or Rural Residential District except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the R-1 Low Density Residential District and the following additional conditions are met:

1. Animals shall be owned and managed by the occupants of the premises.
2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
3. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
4. The confinement area of animals shall not exceed an animal density of 1.4 animal units per acre, except for private stables as provided in Section 18.02(D) below. For example purposes, the permitted maximum 1.4 animal units per acre shall be reached by any single one of the following conditions:

1.4	slaughter steer or heifers per acre.
0.7	horses per acre.
1.0	mature dairy cows per acre.
3.5	swine per acre
14	sheep per acre.
28	fowl per acre.

**C. Household pets:** The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

**D. Private Stables:**

All private stables shall conform to the following standards:

1. A minimum of two (2) acres must be provided for the first horse, and an additional one-half (1/2) acre must be provided for each additional horse, provided further that at least ten (10) acres be provided for the first six (6) horses, and an additional ten (10) acres be provided for each subsequent multiple of six (6) horses thereafter.
2. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the acreage limitation, but in no case shall there be more than one (1) horse and one (1) foal per two (2) acres.
3. No pens, corrals, buildings housing horses, or storage of manure or odor or dust-producing materials or use shall be permitted within one hundred fifty (150) feet of a lot line.
4. Private stables shall only house horses owned by the occupant of the dwelling unit.
5. Private stables shall be operated in conformance with all applicable county, state, and federal regulations.



6. All animals shall be maintained in a healthy condition and carefully handled.
7. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
8. Manure piles shall be stored, removed, and/or applied to the soil in accordance with Michigan Department of Agriculture and County Health Department regulations.
9. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
10. No living quarters shall be located in any stable.

### **Section 18.03 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include public facilities and communication towers separately regulated by Article 16: Special Land Use Standards.

### **Section 18.04 Swimming Pools**

**A: Classification:** A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

**B: Application:** The application for a zoning permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.

**C: Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access.

1. Such fencing is to be a minimum of five (5) feet high, and equipped with a self-closing and self-latching gate.
2. Latching devices are to be located at a minimum height of four (4) feet above the ground.
3. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.

**D: Sanitation:** Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used there shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed with.

**E: Placement:** No swimming pool shall be located in an easement or required front yard.

**F: Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

**G. Overhead wiring:** Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

### **Section 18.05 Moving Buildings**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are approved by the Township Building Inspector; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

## **Section 18.06: Temporary Uses And Nonresidential Buildings And Structures**

Temporary uses and nonresidential buildings and structures may be established on a lot or parcel land occupied according to the following requirements:

### **A. Application, Permit, and Conditions**

1. Application: A temporary zoning permit shall be approved, modified, conditioned, or denied by the Zoning Administrator except as otherwise provided herein. The Zoning Administrator may refer the application to the Planning Commission for action.
2. Conditions of Approval:
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The use shall not be typically located within a permanent building or structure.
  - c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - g. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
  - h. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.
3. Permits: A written temporary zoning permit will be issued for all approved temporary uses and shall contain the following information:
  - a. The applicant's name
  - b. The location and effective dates of the temporary use
  - c. Conditions specified by which the permit was issued, such as:
    - 1) Use and placement of signs.
    - 2) Provision for security and safety measures
    - 3) Control of nuisance factors
    - 4) Submission of performance guarantee
  - d. Signature of the Zoning Administrator on the permit
4. Performance Guarantee: The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

### **B. Permitted Temporary Buildings, Structures, and Uses**

1. Construction Buildings and Structures:
  - a. Fire Damage: Temporary buildings and structures are permitted incidental to construction work during renovation of a permanent building damaged by fire. The

- temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.
- b. **New Construction:** Temporary buildings and structures are permitted incidental to construction work, except for the construction of single-family dwellings, and shall be removed within fifteen (15) days after construction is complete. In no case shall the building or structure be allowed more than twelve (12) months unless expressly authorized after petition to the Zoning Board of Appeals.
2. **Churches & Schools:** Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.
  3. **Christmas Tree Sales:** The display and sale of Christmas trees, in a Conservation District, a Commercial District, or at a church or campground, is permitted by a temporary zoning permit, provided it is incidental and accessory to the principal use. Temporary zoning permits are not necessary for Christmas tree sales where a nursery is permitted by right or by special land use approval. The temporary zoning permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year.
  4. **Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
    - a. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary zoning permit for a period not to exceed four (4) days. Such activities in operation for a period of time in excess of four (4) days shall require a temporary zoning permit from the Zoning Administrator.
    - b. In no instance shall more than four (4) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
    - c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
    - d. No garage sale or similar activity shall be conducted before 7:00 a.m. or continue later than 7:00 p.m.
    - e. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
  5. **Temporary Real Estate: Offices:** Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.
  6. **Auctions:** The public sale of property to the highest bidder shall be permitted on a parcel or lot for no more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
  7. **Firewood Sales:** Firewood sales shall be limited to firewood cut from that parcel or lot only, except in a Commercial District. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.
  8. **Sawmills (portable):** Sawmills shall be used for the cutting and use of the trees from only that parcel or lot for which the temporary zoning permit is issued. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unless that of the owner. The permit shall be valid for six (6) months, but may be renewed.
  9. **Other Temporary Uses:** Other temporary uses shall be permitted pursuant to subsection (A) above.

## **Section 18.07 Temporary Dwellings**

**A. The Zoning Board of Appeals**, upon receiving the Planning Commission's recommendation, may issue a temporary zoning permit for a mobile home, subject to the following limitations and procedures:

1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined

by the Township Building Inspector, a temporary zoning permit may be issued to allow a mobile home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.

2. **Medical Reasons:** A person(s) may make application to the Zoning Board of Appeals to occupy a mobile home as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Board of Appeals finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. The permit shall expire in one (1) year, an extension of one (1) year may be issued upon review. All temporary dwellings shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision and no closer than thirty (30) feet to an abutting lot line.

**B. A temporary zoning permit for a mobile home shall not be granted, for any reason, unless the Zoning Board of Appeals finds:**

1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
2. Proposed water supply and sanitary facilities have been approved by the County Health Department.
3. All applicable dimensional requirements within said district shall apply to temporary dwellings.
4. A performance guarantee in the amount of three thousand dollars (\$3,000) shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit. Or, by specific agreement of the Township Planning Commission, the owner may provide a Letter of Credit, or may deposit an amount of \$500 in escrow in a local bank or savings institution.

**Section 18.08 Accessory Uses, Buildings, And Structures**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:** Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building and, except as provided for in (1) below, shall not be erected in the front yard; provided, however, when topographic conditions prevent compliance with this provision, the Zoning Board of Appeals may vary the above requirements in such a manner as to contribute to the public safety and general welfare. Except for fences, no accessory building or structure shall be closer than ten (10) feet to any interior side or rear lot line.

1. Accessory structures may be permitted in a front yard in the Lake Residential District provided such structures are clearly accessory to the use or enjoyment of the abutting water body, such as decks, boat moorings, and pump houses.

**D. Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard and in no instance shall the accessory building or structure exceed the ground floor area of the

principal building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are still met.

**E. Height:**

1. No detached residential accessory building or structure shall exceed one (1) story or twenty-four (24) feet in height. Detached accessory buildings for other uses may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals approval if the building exceeds one (1) story or twenty-four (24) feet in height. This restriction shall not apply to agriculturally-related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval. (See also Section 18.13)
2. No accessory structure in a front yard in a Lake Residential District shall exceed a height of three (3) feet.
3. Walls or fences on residential lots shall not exceed a height of six (6) feet, except that a wall or fence placed within a front yard shall not exceed a height of five (5) feet, nor exceed a height of three (3) feet if placed in a required front yard area. The finished side of a wall or fence shall face the adjacent lot.

**F. Not Permitted Prior to a Principal Structure:** Accessory buildings and structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure, except for agricultural buildings. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

**Section 18.09 One Single-Family Dwelling To A Lot**

No more than one single-family dwelling may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

**Section 18.10 Permitted Yard Encroachments**

The minimum yard size and setback requirements of this ordinance are subject to the following permitted encroachments.

- A. Existing buildings or structures shall be permitted to encroach no more than three (3) feet upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants, such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.
- B. Attached terraces, patios, porches and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line, except if the yard proposed to be encroached abuts a public street or approved private road, in which case the principal structure setback shall be observed and no encroachment is permitted.
- C. Awnings may project into a required yard area no more than five (5) feet.

**Section 18.11 Front Setback Reductions And Increases**

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. In all cases however, the front yard setback shall be increased by thirty (30) feet as measured parallel to the centerline of the abutting street where a public right of way has not been granted.

## **Section 18.12 Allocation Of Lot Area & Configuration Of Lots**

- A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.
- C. The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot must be met on the portion of lot excluding the right-of-way. (See Figure 2-4).

## **Section 18.13 Height Requirement Exceptions**

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
- C. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
- D. Public utility structures, but not including communication towers, except upon receipt of a zoning permit.
- E. Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.
- G. The distance from the base of the tower to any lot line shall be ten (10) feet more than the height of the tower.

## **Section 18.14 Home Occupation And Home Based Businesses**

### **A. Intent:**

It is the intent of these regulations to insure the compatibility of home occupations and home based businesses with other permitted uses in the area and with the character of the neighborhood. To this end any home occupation or home based business shall be clearly incidental to the principal residential use of the property and shall be located and conducted so that neighbors, under normal circumstances, would not be aware of its existence.

## **B. Definitions:**

### **Home Occupation**

An occupation or profession carried on by a member of the immediate family residing on the premises. A home occupation is one in which no commodity is sold on the premises except those incidental to the home occupation or include the distribution of home based products such as Mary Kay, Amway or Tupperware, for example, may be approved by the Zoning administrator; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes, when engaged in by only residents entirely within the dwelling and not in a garage or accessory building or with the use of any non-residing employee. A home occupation shall occupy not more than twenty percent (20%) of the living area of the dwelling and show no external evidence of change in the building or premises.

### **Home Based Business**

A business or profession carried on by a member of the immediate family residing on the premises. A home based business is one in which no commodity is sold on the premises, except those incidental to the Home Based Business. No more than one person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes within the dwelling, a garage or accessory building unless approval has been granted for additional special equipment by the Planning Commission. There shall be no external evidence of change in the building or premises.

## **C. Licensing:**

A Home Occupation/Business License is required for all Home Occupations or Home Based Businesses. A Home Occupation is allowed in zoning districts R-1, R-2, R-3, R-4, A-1, A-2 and a license may be approved or denied by the Zoning Administrator. All applications for a Home Based Business must be made through the Zoning Administrator and forwarded for approval or denial to the Planning Commission. Requests for home based businesses conducted in an accessory building including a garage, must have a scale drawing of 1"=100', indicating the position of the accessory building in relationship to the home and all setback requirements. (See Article 9, Section 9.10 of the Ordinance) A Home based business is allowed in zoning Districts R-1, R-2, A-1, and A-2. All license renewals are handled through the Zoning Administrator unless there is a change in the Home Based Business from the original application. Any applicant denied license renewal by the Zoning Administrator may appeal to the Planning Commission. Any falsification of an application will result in the immediate termination of the license and a possible fine. In addition, a home occupation or home based business shall comply with all the following regulations:

1. No equipment or process shall be used in such home occupation or home based business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
2. A home based business shall not employ more than two (2) persons, one of whom must reside on the premises.
3. The majority of all activities must be carried on indoors. No visible outdoor storage or display shall be permitted.
4. There shall be no visible change in the exterior appearance of the premises, or other visible evidence of the conduct of such home occupation or home based business except for a single sign as permitted in Section 22.03 of the Mason Township Ordinance.
5. No traffic shall be generated by such home occupation or home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation or home based business shall be met off the street and other than a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off street parking demand shall be created.

Parking areas must meet the requirements of Section 21.02 of the Mason Township Zoning Ordinance.

6. The regulations of home occupations and home based businesses as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of the residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.
7. No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation or home based business.
8. The home occupation or home based business shall not occupy more than twenty percent (20%) of the gross floor area of one floor of such dwelling unit.
9. The home occupation shall not utilize a garage or accessory building.
10. In no event shall the use of a home building for a home occupation or home based business alter the residential character of the home building or premises.
11. Neither the home occupation or home based business shall entail the use or storage of explosive, flammable, or otherwise hazardous material unless certified to, by the applicant, to be in compliance with all County, State and Federal laws, the local fire authority, and approved by the Planning Commission or where applicable the Zoning Administrator.
12. Visits by customers shall be limited to the hours of 9:00 a.m. to 8:00 p.m.
13. Any proposed home occupation or home based business meeting the foregoing provisions in their entirety, upon approval, will be issued an annual license. The license, also known as a Home Occupation/Business License, must be renewed annually, provided the above standards and conditions still exist as determined by the Planning Commission.
14. Home occupations existing lawfully at the time of the adoption of this amendment may be permitted to continue but shall be subject to the amended requirements of the Mason Township Zoning Ordinance including the requirement of a license.
15. Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this amendment.

(New 3-24-2011)

## **Section 18.15 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy-
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.



2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions:** Any conditions imposed shall be recorded in the record of the approval action.

**D. Subsequent Change of Required Conditions:** These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**E. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

### **Section 18.16 Satellite Antenna Dishes**

Satellite dishes must meet the following conditions:

- A. One satellite antenna dish in excess of four (4) feet in diameter per lot.
- B. All setback and height requirements for the district in which a satellite dish antenna is to be located shall be met by the satellite dish antennas.
- C. A satellite dish antenna shall not be placed in a front yard nor in a manner that obstructs the view of any public right of way or intersection.

### **Section 18.17 Outdoor Storage, Sales And Merchandise Display**

A. Outdoor display and sales of merchandise is permitted within Commercial districts. The permitted outdoor display area shall be twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials.

B. Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts and Industrial districts shall be conducted within a completely enclosed building.

C. All machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials which are either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be completely screened by an opaque fence or wall of not less than six (6) feet in height.

### **Section 18.18: Condominium Subdivisions**

All condominium subdivisions shall conform to the following general provisions in addition to all other applicable district provisions.

A. A condominium unit, including single family detached units, shall comply with the applicable site development standards contained in Schedules A & B of this Ordinance.

B. A condominium subdivision shall comply with the provisions in Article 24 pertaining to potable water supply and waste disposal facilities and to the provisions of Article 20 pertaining to private roads.

C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of

providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

D. In addition to the materials required by Section 6.03 and other requirements of Article 7: Procedures for Special Land Uses, an application for a condominium subdivision shall include a condominium subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area and width of all condominium units.
2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
3. Proposed use and occupancy restrictions as will be contained in the master deed.

E. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 6.08.

F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 3.06 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

G. All public streets within a condominium subdivision, shall be constructed to at least the minimum requirements of the Cass County Road Commission's construction standards. All private roads shall be constructed to the standards of Section 20.05 of this Ordinance.

### **Section 18.19 Earth Covered Homes**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

## **Section 18.20 Maintenance Of Junk Prohibited**

It shall be unlawful to have, possess, or maintain junk except pursuant to the issuance of a zoning permit by special approval for a junkyard.

## **Section 18.21 Single Family Dwellings**

A. All single family dwellings shall comply with the minimum square footage requirements of this Ordinance for the district in which it is located. A single family dwelling shall have a minimum width of twenty-two (22) feet and comply in all respects with the State Building Code including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the State Building Code, then and in that event such federal or state standard or regulation shall apply.

B. All single family dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Building Code and shall have a foundation wall of the same perimeter dimensions of the dwelling extending from the dwelling to the ground and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, except that the anchoring devices shall be no more than eight (8) feet apart, and shall have a perimeter wall as required above.

C. In the event that a single family dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

D. All single family dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Cass County Health Department.

E. All single family dwellings shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less.

F. All single family dwellings shall include a double pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run (4-12 pitch), and contain either a roof overhang of not less than six (6) inches on all sides, or alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. Such roof pitch shall extend over at least eighty percent (80%) of the dwelling's roof area except that this limitation shall not prohibit the extension of an existing roof pitch over an addition to the dwelling.

G. All single family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, and shall have either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within three hundred (300) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

H. All subsequent additions to a single-family dwelling shall be of similar quality workmanship as the original structure, including construction of a foundation as required herein.

I. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable State Building Code provisions and requirements.

J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State and Federal law or otherwise specifically required in this ordinance pertaining to mobile home parks.

(Ord. 03-11-08-01, March 11, 2008)

### **Section 18.22 Roadside Stands**

A. All roadside stands shall be considered accessory uses and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, providing it is grown or produced on the property, and conform with the following standards:

1. One roadside stand per lot, and no roadside stand shall be operated for more than sixteen (16) weeks in any calendar year.
2. The property has direct access from a major or minor thoroughfare.
3. One driveway is established with a width at least twenty-five (25) but not more than thirty-five (35) feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.
4. No structure larger than two hundred twenty-five square feet (225) feet shall be erected for use as the roadside stand.
5. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way nor closer than one hundred (100) feet to a lot with a dwelling unit on the lot.
6. No roadside stand shall be located on a lot without a dwelling unit, nor run by anyone other than an occupant of the dwelling.
7. At least six off-street parking spaces are provided.
8. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
9. No more than one ground or wall sign, not over twelve (12) square feet in area with a maximum height of six (6) feet, to be displayed only during the seasonal occupancy of the roadside stand.

### **Section 18.23 Funneling/Key-holing**

A. Intent. It is the intent of this Ordinance to promote the integrity of the lakes and waterways within Mason Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes and waterways by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes and waterways; and to maintain the natural beauty of the lakes and waterways by minimizing man made adjustments to the established shorelines.

B. Definitions. As used in this section the term "Access Property" shall mean a property, parcel or other lot abutting a lake or waterway, and used or intended to be used, for providing access to a lake or waterway by pedestrian or vehicular traffic to and from off-shore 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 of dedication or conveyance.

C. Regulations. In any zoning district where a parcel of land is contiguous to a lake or waterway, such a parcel of land may be used as Access Property or as common open space; or by a subdivision, association or any similar agency; or by virtue of the terms of a plat of record; or deed provision of record; or by two or more dwelling units located away from the waterfront, only if the following conditions are met:

1. That said parcel of land must
  - (a) Contain a minimum of (7000) square feet; and
  - (b) must have a minimum of fifty (50) lineal feet of water frontage for each individual dwelling unit or each family unit to which such privileges are extended or dedicated, provided; and
  - (c) Have a minimum depth of at least one-hundred forty (140) feet; and
  - (d) Contain at least two hundred (200) feet of water frontage.

- 1) Water frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.
  - 2) Depth shall be measured as the average of three (3) points (each side line and center of the parcel), by a straight line from the high water mark to the road right of way.
  - 3) The 50 lineal-foot frontage requirement contained in this Section is inapplicable to public parks, or public access sites owned, provided and maintained by any unit of state, county or local government.
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 Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be a wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, by the addition of earth or fill material or by the drainage of water which has the effect of increasing the water frontage required by this regulation.
  - 3 That no canal or channel 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 ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use; and no structures or improvements, including but not limited to paving, septic or other toilet facilities may be constructed, installed or expanded or altered on such property unless consistent with zoning requirements for the zoning district classification in which such Access Property is located.
  5. That piers or docks on such Access Property shall not be closer than fifty (50) feet from another pier or dock, nor longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the Access Property.

**D. Nonconforming Uses.** In any district in which Access Property has been established before the effective date of this ordinance or subsequently amended thereto, such lawful nonconforming use may continue, but may not be expanded or added to."  
(Ord. 02-22-07-01, Feb. 22, 2007)

## **Section 18.24 Medical Marihuana**

A primary caregiver as defined in this section shall be allowed as an accessory use in the Industrial District (I-1) within the township and only pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law MCL 333.26421, et. Seq. and the requirements of this section. The requirements for a primary caregiver shall be as follows:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act ("Act") and the Administrative Rules of the Michigan Department of Community Health, ("Administrative Rules") as they may be amended from time to time.
2. A primary caregiver's grow (crop) must be located within the Industrial District (I-1) and outside of a one-thousand (1,000) foot radius from any of the following real property uses:  
A daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school; a public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age.
3. Not more than one (1) primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver
4. Not more than five (5) qualifying patients shall be assisted by the primary caregiver
5. All medical marihuana grows (crops) shall be contained only within the main structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by either (but not both) the primary caregiver or qualifying patients. Additionally, primary caregivers assisting more than one patient must keep each patient's plants segregated and in a separate enclosed locked facility. (See the MI Attorney General's opinion #7259)

6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the industrial structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
7. If a room with windows is utilized as a marihuana growing location, any lighting methods used between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the structure, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent industrial properties.
8. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a qualifying patient's condition or pain shall not be permitted in any zoning classification of this Zoning Ordinance. Also, since federal law is not affected by the Act or the Administrative Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of the properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.
9. Patients: Patients may visit the caregiver's site only during the hours of 8 a.m. and 8 p.m. No more than 5 patients may visit the site in any single day, and no more than two patients shall be on premises at any one time.
10. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marihuana "dispensary", "collective" or "cooperative", as the words are defined herein, in any zoning classification within the Township.
11. **Definitions:** As used in the subsection:
  - A. Grows (crop)  
This term refers to Medical Marihuana grown by primary caregivers and/or patients in strict accordance with the stipulations provided by this ordinance and with the Michigan Medical Marihuana Act, initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health
  - B. Marihuana  
This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423 (d).
  - C. Marihuana Dispensary or Dispensary  
Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by one or more registered primary caregivers. The term "dispensary" shall not apply to a registered patient that provides necessary care and marihuana for medical use exclusively for his/her personal use in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.
  - D. Marihuana Collective or Cooperative.  
Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stores, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.
  - E. Medical Use of Marihuana  
The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423 (d).
  - F. Primary Caregiver

- G. Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- H. Qualifying Patient or Patient  
Qualifying patient or patient means a person as defined under MCL 333.7106(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

**End of Article 18**

**Article 19**  
**NONCONFORMING USES OF LAND AND STRUCTURES**

**Section 19.01 Intent And Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

**Section 19.02 Nonconforming Lots**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. However, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel (one lot) for the purposes of this Ordinance. No portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

**Section 19.03 Nonconforming Uses Of Land**

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

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B: No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C: See also Section 3.03(D).

**Section 19.04 Nonconforming Structures**

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

A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

B. Should such structure be destroyed by any means to an extent of more than twenty-five (25) percent of its state equalized value (SEV), it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located.



C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

### **Section 19.05 Change In Nonconforming Uses**

Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

### **Section 19.06 Repairs And Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 19.07 Change Of Tenancy Or Ownership**

A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.

### **Section 19.08 District Changes**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

### **Section 19.09 Hardship Cases**

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

### **Section 19.10 Illegal Nonconforming Uses**

Nonconforming uses of structures or land existing at the effective date of this ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

**Section 19.11 Permits**

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a Zoning Permit pursuant to Section 3.03(D). Other permits and approvals may also be required.

**End of Article 19**

## Article 20 ACCESS CONTROLS AND PRIVATE ROADS

### Section 20.01 Intent

The intent of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Cass County Road Commission, and other provisions of this Ordinance.

### Section 20.02 Curb Cuts And Driveways

Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 6.03. Said plan shall be approved by the Zoning Administrator, or the Planning Commission in the case of a site plan, prior to the issuance of a building permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road. County Road Commission standards shall be consulted during this review. Driveways shall, at a minimum, meet the following standards:

1. Culverts shall be installed in line with and on the same grade as the road ditch.
2. Drives shall enter perpendicular to the existing public street or private road.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).
4. The driveway shall meet clear vision standards of the County Road Commission.
5. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street (see Figure 20-1).
6. Vehicle ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a Commercial or Industrial district.
7. All driveways leading to dwellings, garages, or accessory structures shall have a compacted gravel or paved surface, and shall be designed to minimize erosion.

B. The Zoning Administrator shall inspect the driveway as developed for compliance to the above standards and shall so notify the Township Building Inspector of the outcome prior to the Building Inspector's issuance of an occupancy permit.

C. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the County Road Commission are met.

D. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Township or County Road Commission or Michigan Department of Transportation.

E. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling.

F. No driveways providing access to nonresidential uses and structures shall cross residentially zoned property.

### **Section 20.03 Lots To Have Access**

All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. In a platted subdivision or condominium subdivision, corner lots shall take their access from an approved private road or approved public street. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the County Road Commission.

### **Section 20.04 Clear Vision Zone**

No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two intersecting right-of-way lines at points which are thirty (30) feet from their point of intersection measured along the right-of-way lines (See Figure 20-2). No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a straight line joining the two intersecting lines at points which are twenty (20) feet from their point of intersection, measured along the right-of-way line and driveway edge (See Figure 20-3).

### **Section 20.05 Private Roads**

**A. Private Roads Permitted:** Private roads are permitted provided they conform to the requirements of this Section.

**B. Construction and Design Standards:** The creation of a road that serves a division of land, other than subdivisions as defined by the Subdivision Control Act of 1967, resulting in two (2) or more parcels being served by a private road shall meet the following standards:

1. **Right-of-Way:** All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current Cass County Road Commission's designated right-of-way width for local residential roads, whichever is greater. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-ways or easements.
2. **Cross Section:** All private roads shall meet or exceed the Cass County Road Commission's cross sectional construction standards for roads of similar traffic levels, except that the paving of a private road is not required unless seven (7) or more lots gain access from the private road. While paving of a private road serving less than seven (7) lots is not required, it is strongly encouraged for safety and maintenance purposes.
3. **Connection to Public Roads:** Construction authorization from the Cass County Road Commission is required for connection to a public road. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. Private roads shall meet perpendicular to a public street right-of-way or private road.
4. **Grades:** No portion of the private road entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).
5. **Width and Curves:** Private roads shall have a compacted gravel or paved width of at least twenty-two (22) feet. Centerline radius of a private road shall not be less than fifty (50) feet.
6. **Limit on Length:** Private roads with only one connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than 1,000 feet.
7. **Cul-de-sacs:** A cul-de-sac shall be constructed whenever a private road terminates without intersecting with another public street or private road.
  - a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
  - b. "Lots fronting on a Cul-de-sac must have a minimum lot width of fifty (50) feet at a setback point, measured thirty (30) feet back from the right-of-way, along each lot's side lot line." The radius of the cul-de-sac must meet a minimum of sixty- (60) feet.

**C. Maximum Number of Lots Served:** No more than thirty-five (35) lots may gain access to a single private road if only one point of intersection is provided between a private road and a public road. No more than seventy-five (75) lots may gain access to a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than seventy-five (75) lots are served, the road shall be a paved public street built to full County Road Commission standards.

**D. Road Construction Approval Procedure:** No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application: The applicant shall submit a private road application consisting of the following:
  - a. Eight (8) sets of a general property development plot plan complying with the requirements of Section 6.03(A) unless the development requires a site plan pursuant to the requirements of Section 6.03(B) of this Ordinance. All plans as submitted for approval must show the private road easement including a legal description, and must include the grades for these roads.
  - b. Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Cass County Register of Deeds providing for:
    - 1) A method of initiating and financing of such road in order to keep the road up to proper specifications and free of snow or debris.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
    - 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Cass County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
    - 4) A notice that no public funds of the Township of Mason are to be used to build, repair, or maintain the private road.
    - 5) The procedure specifying how the costs for paving the road initially, or when the seventh lot is created will be paid for. If the maintenance paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the creator of the seventh lot, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least 10 days before the hearing.
  - c. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Cass County Register of Deeds providing for:
    - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
    - 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesmen, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
2. Application Review and Approval or Rejection:
  - a. The Zoning Administrator shall review, and send to the County Road Commission and Township Engineer for review and comment, the plans of the private road. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
  - b. County Road Commission, Township Engineer, and Township Attorney recommendations shall be forwarded to the Township Board. The Planning Commission shall give its recommendation prior to final action by the Township Board where site plan approval is required.
  - c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a

private road. When approval is granted, construction authorization will be issued by the Zoning Administrator.

- 1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
  - 2) At the discretion of the Township Board, a proposed private road may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access.
- d. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road.
  - e. The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

**E. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Cass County Road Commission or the Township in its standards and specifications for road construction and development.

**F. Issuance of Building Permit for Structures on Private Roads:** No building permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

**G. Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Township Zoning Administrator shall check with the County to avoid a duplicate of names and give approval of same.

**H. Private Roads Serving More Than One Residential Unit:** When a private road serves only one residential unit, compliance with the established standards of the Cass County Road Commission for public roads is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, any road serving the parcels shall comply with all other provisions of this Section.

**I. Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

*"This parcel of land has private road access across a permanent sixt- six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"*

**J. Fees:** Application fee is to be established by the Township Board. Before final approval the cost of review of plans and inspection of the private road and drainage shall be paid for by the applicant/developer.  
(Ord. 12-11-07-03, Dec. 11, 2007)

## **Section 20.06 Acceleration And Deceleration Lanes And Tapers**

Where it can be demonstrated that a land use will generate daily driveway volumes along a major thoroughfare in excess of 1,000 vehicles per day, deceleration and/or acceleration lanes or tapers may be required by the approving body. Such lanes shall be constructed according to the most current standards of the Cass County Road Commission or Michigan Department of Transportation, as applicable to the specific road segment.

(Ord. 12-11-07-01, Dec. 11, 2007)

Figure 20-1

### DRIVEWAY SETBACK FROM PUBLIC ROAD

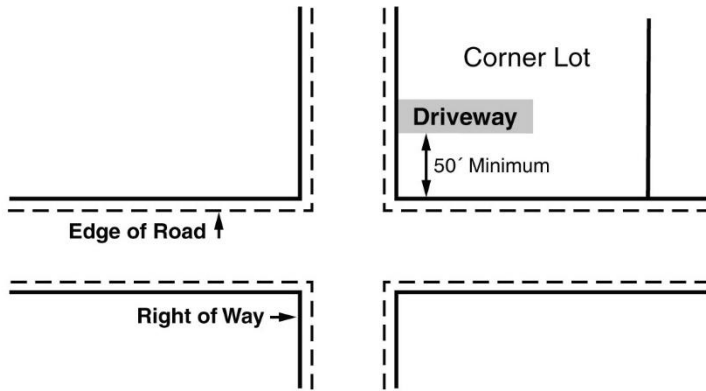


Figure 20-2

### CLEAR VISION AREA ALONG PUBLIC ROAD

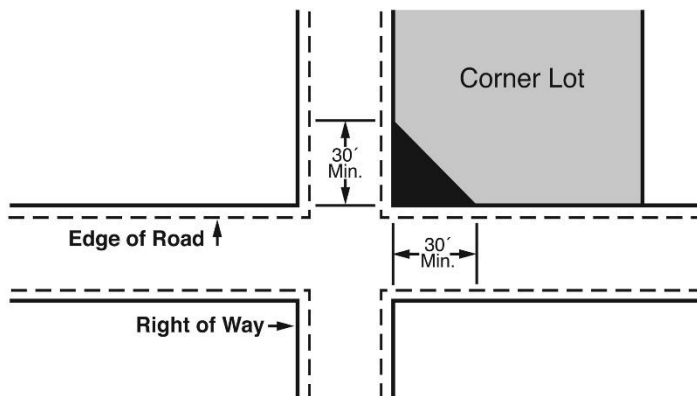
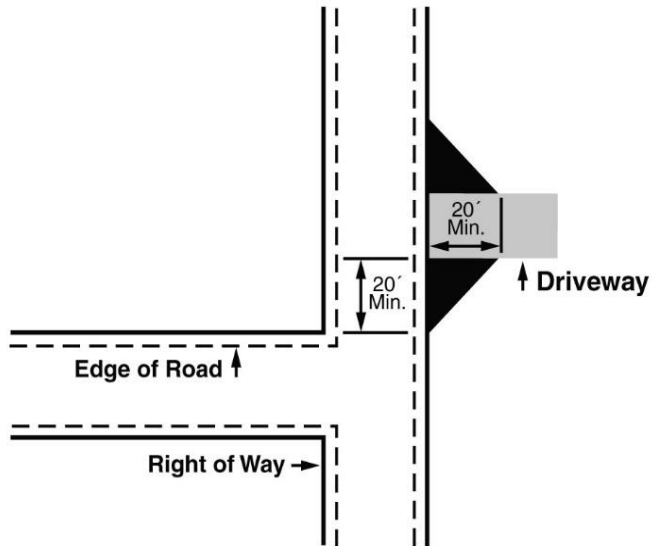


Figure 20-3

## CLEAR VISION AREA FOR DRIVEWAYS



End of Article 20



## Article 21 OFF-STREET PARKING AND LOADING

### Section 21.01 Intent Of Parking Provisions

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every manufacturing, warehouse, wholesale store, retail store, hotel, hospital, laundry, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

### Section 21.02 General Requirements

**A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.

**C. Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage unless specifically authorized through the issuance of a temporary zoning permit. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

1. No sign shall be erected in parking areas other than not more than one directional sign at each point of ingress or egress, such sign may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed three (3) feet in height and six (6) square feet in area and shall not project beyond the property line of the premises.

**D. Building Additions or Other Increases In Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.

1. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. Record of Agreement: A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

**F. Queued Vehicles:** There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.

**G. Decrease in Parking Areas:** No off-street parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 6.08.

**H. Permitted Vehicles in Residential Areas:** Parking of motor vehicles in Agricultural and Residential districts shall be limited to passenger vehicles, one (1) camper-type recreational vehicle per dwelling unit, and one (1) commercial vehicle per dwelling unit not exceeding a load capacity of one thousand five hundred (1,500) pounds. The above provision shall in no way prohibit the parking and storage of agricultural equipment and vehicles on parcels where such equipment and vehicles are used.

## **Section 21.03 Parking Space Requirements**

The number of required off-street parking spaces in all districts, by land use type, shall be as follows:

### **A. Residential Uses:**

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. Mobile Home Park: Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. Group Homes (adult foster care): One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

### **B. Commercial Uses:**

1. Automobile Service and Repair Stations: Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees \_\_\_\_\_
2. Barber Shops and Beauty Parlors: Two (2) spaces for each beauty and/or barber chair
3. Bowling Alleys: Two (2) spaces for each alley plus one (1) space for each employee on the largest shift
4. Clinics: Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees
5. Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoo Repair Personal Services (other than beauty and barber shops):  
One (1) space per three hundred (300) feet of gross floor area.
6. Commercial and Institutional Recreational Facilities: One (1) space per three (3) patrons to the maximum capacity of the facility
7. Convalescent Homes, Convents or Similar Uses: One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. Dance Halls, Pool and Billiard Rooms: One (1) space for every three (3) persons allowed within maximum capacity load.
9. Drive-in Banks, Cleaners, Car Laundries, and Similar Businesses: Stacking space for five (5) cars between the sidewalk area and one (1) space for each employee on the largest shift.
10. Drive-in Restaurants or Fast Food Restaurants: One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-windows.
11. Funeral Homes and Mortuaries: One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms
12. Kennels: One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees
13. Laundromat: One (1) space for every three (3) washing or drying machines
14. Miniature or Par 3 Golf Courses: Three (3) spaces for each hole plus one (1) space for each employee.
15. Motels, Auto Courts, Tourist Homes: One (1) space for each sleeping unit plus two (2) spaces for each employee on the largest shift
16. Private Recreational Facilities: One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire Marshall.

17. Retail Stores, (except as otherwise specified herein): One (1) space for every three hundred (300) square feet of gross floor area.
18. Standard Restaurants, Cafeterias, Taverns, Bars: One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire Marshall
19. Shooting Ranges: One (1) space for each unit station plus one (1) space for each two (2) employees
20. Stables (commercial): One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
21. Supermarket, Self-Service Food Store: One (1) space for every one-hundred (100) square feet of gross floor area

**C. Office Uses:**

1. General Offices: One (1) space for every two hundred (200) square feet of gross floor area
2. Professional Offices and Banks: One (1) space for every three hundred (300) square feet of gross floor area

**D. Industrial Uses:**

1. Excavation Operations and Asphalt Batching Plants: One (1) space for every employee on the largest shift
2. Industrial or Manufacturing Establishments: One (1) space for every three (3) employees for industry's largest working shift.
3. Junkyard: One (1) space for every two (2) employees
4. Warehouses, Wholesale Stores: One (1) space for every eight-hundred (800) square feet of floor area

**E. Institutional Uses:**

1. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats: One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. Boarding and Lodging Houses, Fraternities: One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. Day care facilities (day care center and group day care home, but not a family home day care): One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. Elementary and Middle Schools: One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses: Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, pro shop, etc.).
6. High Schools and Colleges: One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. Hospitals, Sanitariums: One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. Libraries, Museums, Post Offices: One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

**Section 21.04 Site Development Requirements**

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

- A. Marking and Designation**: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

**B. Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

**C. Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows: (See Figure 21-1)

1. For right angle parking patterns seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty (20) feet.
2. For parking patterns fifty-four (54) to seventy-four (74) degrees the maneuvering lane width shall be a minimum of fifteen (15) feet.
3. For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be a minimum of twelve (12) feet.
4. All maneuvering lane widths shall permit one-way traffic movement, except for the ninety (90) degree pattern which may provide for two-way traffic movement.
5. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.

**D. Surface:** Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.

**E. Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback.

**F. Service Drives and Connections to Adjacent Parking Areas:** To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a parcel in a Commercial or Industrial District to include one or both of the following improvements, where practical and feasible, in association with a proposed site plan:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels to minimize the necessity for additional curb cuts onto roads and vehicles unnecessarily entering onto public roads to gain access to nearby parcels or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent parcels.

(Ord. 12-11-07-01, Dec. 11, 2007)

## **Section 21.05 Loading And Unloading Space Requirements**

**A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 21-03 and shall not be considered as supplying off-street parking space.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, open or enclosed, and shall be provided according to the following table:

**Usable Floor Area (square feet):****Space Required**

Commercial uses, such as retail stores, First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof :personal services, amusement, Each additional 20,000 sq. ft. or fraction thereof: Automotive service.	one (1) space  one (1) space
Hotels, Offices, First 2,000 sq. ft. Next 50,000 sq. ft. or fraction thereof: Clinics Each additional 1 00.000 sq. ft. or fraction thereof:	none one (1) space one (1) space one (1) space
Wholesale and storage First 20,000 sq. ft Each additional contractor's yards.20,000 sq. ft. or fraction thereof	one (1) space, including building one space
Manufacturing uses First 20,000 sq. ft. or fraction thereof Each additional 20,000 sq. ft. or fraction thereof:	one (1) space one (1) space
Funeral Homes and Mortuaries First 5,000 sq. ft. or fraction thereof Each additional 10,000 sq. ft. or fraction thereof	one space  one (1) space
Hospitals First 20,000 sq. ft.;; Next 1 00,000 sq. ft. or fraction thereof: Each additional 200,000 sq. ft. or fraction thereof:	one (1) space one (1) space one (1) space
Schools, Churches, Clubs, Public Assembly Buildings Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.

**C. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

**D. Screening:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A).

**E. Location:** A loading-unloading area shall not be located within any front yard or within any required side or rear yard setback.

**End of Article 21**

## Article 22 SIGNS

### Section 22.01 Purpose

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

### Section 22.02 Definitions

- A. Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed and structural and nonstructural trim. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.
- B. Freestanding Sign:** A sign which is not attached to a principal or an accessory structure.
- C. Monument Sign:** A freestanding sign that has a base that is the same approximate length and width as the sign face itself and thereby solid from the ground to the top of the sign, as compared to, for example purposes only, a sign that is supported by one or more poles or other support columns.
- D. Off-Premises Sign:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.
- E. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers.
- F. Sign:** See Article 2 for the definition of "sign".
- G. Wall Sign:** A sign which is attached directly to a building wall or canopy attached to the wall, with the sign surface generally parallel to the building wall or canopy, including signs painted on any building wall or canopy.  
(Ord. 12-11-07-01, Dec. 11, 2007)

### Section 22.03 Signs In Agricultural And Residential Districts

A single sign shall be permitted in a front yard of a lot in Conservation and Residential districts subject to the following restrictions except as may be otherwise permitted in this Ordinance:

- A.** Non-illuminated signs no larger than twelve (12) square feet in area and no closer than fifteen (15) feet to the right-of-way of a street shall be permitted for any of the following purposes:
1. Sale or lease of property (real or personal), however such a sign shall be removed within fifteen (15) days of the consummation of said sale or lease).
  2. Political advertising related to a candidate running for office or a proposition up for public vote, except that there is no limit on the number of political advertising signs provided all political advertising signs must be removed within ten (10) days of an election.
  3. Identification of a use permitted by right (except for dwellings, see Section 22.03(D) below), special land use approval or a nonconforming nonresidential use.
  4. Identification for a temporary use allowed pursuant to Section 18.06 except as provided for temporary real estate offices in Section 22.03(B) following.

- B.** A platted subdivision, condominium subdivision, multiple family development, or mobile home park is permitted two (2) signs per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding eight (8) feet. During the construction of such a development, one advertising sign is permitted for up to one and a half (1 1/2) years, having a sign area not exceeding fifty (50) square feet and a height not exceeding eight (8) feet and is no closer than fifteen (15) feet to the right-of-way of a street. Signs no closer than fifteen (15) feet to the right-of-way of a street and having an area not exceeding six (6) square feet or four (4) feet in height are permitted in the development for the purposes of directing the public to or identifying models.
- C.** Public institutions permitted in residential districts shall comply with regulations for commercial uses.
- D.** Identification signs for residences and for home occupations, including residences with family home day care facilities:
  1. May be attached to the structure or in the front yard.
  2. Shall not be placed in the right-of-way.
  3. Shall not exceed four (4) square feet.

**Section 22.04 Signs In Commercial And Industrial Districts**

Signs shall be permitted in Commercial and Industrial districts subject to the following restrictions, in addition to public safety signs, directional and traffic signs, and other incidental signs of a non-advertising character:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located. Freestanding signs in the C-2 District shall be monument signs only, excluding public safety signs, directional and traffic signs, and other incidental signs of a non-advertising character.

**B. Number, Size, Area, and Placement of Signs:**

1. **Number:** No more than two (2) freestanding signs shall be permitted on a lot or parcel in the C-1 District. No more than one (1) freestanding sign shall be permitted in the C-2 and I-1 District except on a corner lot, in which case one (1) freestanding sign shall be permitted for each road frontage. There is no limitation on the number of wall signs placed upon a building in the C-1 District, provided all maximum sign area requirements are met. No more than one wall sign shall be permitted upon a building in a C-2 or I-1 District except on a corner lot, in which case one (1) wall sign shall be permitted for each road frontage, and in the case of a building devoted to multiple separate businesses and business spaces, in which case one (1) wall sign shall be permitted for each such business.
2. **Size, Area, and Placement:**
  - a. **Wall Signs:** The maximum total wall sign area shall not exceed five percent (5%) of the vertical wall area upon which it is attached but in no case shall such total sign area exceed 150 square feet. In the case of a building devoted to multiple separate businesses and business spaces, each business shall be permitted an additional wall sign not to exceed five percent (5%) of the vertical wall comprising its storefront. Wall signs shall face only an abutting street or parking area. The maximum area of a wall sign affixed to a canopy or similar projection or overhang shall not exceed five percent (5%) of the vertical wall area if such canopy or overhang was not present. Signs shall not project above the eave of a roof at the sign's attachment to such wall. Wall signs shall not extend farther than fifteen (15) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, provided it does not extend more than two (2) inches from the wall.
  - b. **Freestanding Signs:** As regulated under this subsection (b), the setback of a freestanding sign shall be measured horizontally from the road right-of-way to the leading edge of the sign, and a sign's height shall be measured from the ground elevation below to the sign's highest point. Freestanding signs shall not obstruct a clear view of traffic.

- 1) Within the C-1 District, a freestanding sign shall not exceed fifty (50) square feet in area and fifteen (15) feet in height, and shall be set back at least five (5) feet from all property lines.
- 2) Within the C-2 and I-1 Districts, a freestanding sign shall not exceed eight (8) feet in height, two (2) square feet in area for each linear foot of building length facing the road along which the sign is to be located, and shall be set back at least five (5) feet from all property lines. However, in no case shall a freestanding sign be located within one hundred (100) feet of the M217 right-of-way.

**C. Colors and Illumination:**

1. **Colors:** No sign shall be of more than two (2) colors, in addition to white and black. Color plans
2. **Illumination:** All sign lighting shall comply with Section 24.04 except that such lighting may be directed upward from the ground provided the direct and reflected light is confined to the lot to the greatest extent practical through light fixture location, design, and intensity, and that the surface of the source of light, such as a light bulb, shall be obscured to the greatest extent practical to minimize the visibility of the light source from adjacent lots or roads.

**D. Landscaping:** All freestanding signs shall be located within a landscape area of a minimum size equal to three (3) times the area of the sign, and which shall be characterized by trees, shrubs and/or ground covers including perennials and annuals.

(Ord. 12-11-07-01, Dec. 11, 2007)

**Section 22.05 Moving Or Revolving Signs Prohibited**

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs or LED signs, shall be prohibited unless approved by the Zoning Administrator or Township Planning Commission, where applicable

**Section 22.06 Signs Not To Constitute A Traffic Hazard**

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no neon, flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

**Section 22.07 Portable Or Movable Signs**

Portable or movable signs shall be prohibited.

**Section 22.08 Off-Premises Signs**

Off-premises signs shall be prohibited.

**Section 22.09 Existing Nonconforming Signs**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered,



substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

### **Section 22.10, Signs Requiring Permits**

Signs larger in area than six (6) square feet, including wall signs, shall require a zoning permit prior to construction and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

**End of Article 22**

## Article 23 LANDSCAPING AND SCREENING

### Section 23.01 Intent

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

### Section 23.02 Application

These requirements shall apply to all uses for which site plan review is required under Article 6, Procedures for Site Plan & Plot Plan Review and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth herein. (Amend. 9-11-2014)

### Section 23.03 Landscape Plan Required

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 6). The landscape plan shall identify all buffer areas (see Section 23.04), site landscaping (see Section 23.05), and parking lot landscaping (see Section 23.06), and shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type (bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: 1" = 100'
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved
8. Identification of grass and other ground cover and method of planting
9. Identification of landscape maintenance program including a statement that all diseased damaged or dead materials shall be replaced in accordance with standards of this Ordinance
10. The location and construction details for all walls, fences, fountains, sculptures, and similar landscape features

(Ord. 12-11-07-01, Dec. 11, 2007)

### Section 23.04 Buffer Areas

A. Side and Rear Yard Buffer Areas: All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area at least five (5) feet in height along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The required screening shall be provided by the commercial or industrial use according to one of the following:

1. A landscape buffer or solid wall shall be used consisting of earthen berms and/or living materials so as to maintain a minimum opacity of at least seventy percent (70%). Opacity shall be measured by observation of any two (2) square yard area of the landscape buffer between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet the standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall install solid fencing after the expiration of thirty-six (36) months, in the event that the landscaping has not met the above referenced 70% standard.

2. Where there is a need to provide a greater noise or dust barrier or to screen more intense be required by the site plan approval body. Such wall shall be five (5) feet or more in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, or stone.

**B. Front Yard Buffer Areas:** A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material.

1. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees.

(Ord. 12-11-07-01, Dec. 11, 2007)

### **Section 23.05 Parking Lot And Loading Area Landscaping**

**A. General Parking Lot Landscaping:** Separate landscaped areas shall be required either within or at the perimeter of parking lots and shall not be considered as part of a front, side, or rear yard buffer area. There shall be one (1) tree for every eight (8) parking spaces, and no single parking lot landscape area containing shrub material shall be less than fifty (50) square feet or four (4) feet wide. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. Where a parking lot exceeds 120 feet in width or length, such parking lot shall include tree islands at a minimum rate of one (1) island for each fifteen (15) parking spaces and such trees may be used in meeting the above standard of one (1) tree per eight (8) spaces.

**B. Parking Lot Screening:** Where a parking area containing more than four (4) parking spaces is within one hundred (100) feet of a Residential district or otherwise within view of a residence or public road, a vegetative screen or wall/fence shall be installed to screen views to the parking area. The exception is that in no case a wall or fence shall be erected within one hundred (100) feet of the M217 right-of-way. Plant material shall consist of evergreen shrubs, evergreen trees, densely branched deciduous shrubs, and/or berms. Such screen materials shall provide a minimum opacity of at least seventy percent (70%), to a minimum height of four (4) feet, based on reasonably anticipated growth over a period of three (3) years. Opacity shall be measured by observation of any two (2) square yard area of the screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Plant material required under subsection (A) above may be used to address a portion of the planting requirements of this subsection (B).

**C. Loading Areas:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened no less than five (5) feet in height according to Section 23.04(A)(1) and (2).

**D. Protection Edging:** All parking areas, drives, and loading/unloading areas shall employ the use of curbing, bumper blocks, of other effective means to ensure parked or moving vehicles do not encroach into landscape areas. (Ord. 12-11-07-01, Dec. 11, 2007)

### **Section 23.06 Site Landscaping**

**A. General Site Landscaping:** In addition to any buffer area or parking lot landscaping required by this Article, all portions of a lot not proposed to be occupied by buildings, roads, drives, parking areas and other impervious surfaces and water bodies shall be landscaped with trees, shrubs, and groundcovers along with other landscape amenities as may be part of an approved site plan, and maintained as such. Such landscaping shall include a minimum of one tree per ten thousand (10,000) square feet of disturbed lot area, or fraction thereof. Existing undisturbed vegetation may be used to meet the requirements of this Section at the discretion of the approving body. "Disturbed lot area" shall be interpreted to mean any area of a lot which is to be paved, built upon, or otherwise altered by grading or other construction activities.

**B. Street Trees:** Trees shall be planted along proposed road right-of-ways at a rate of one (1) tree per forty (40) linear feet of road and in coordination with other site landscaping including buffer yards. In the C-2 District, street trees shall be located in clusters or otherwise in an informal arrangement. (Ord. 12-11-07-01, Dec. 11, 2

**Section 23.07 Minimum Standards Of Landscape Elements**

**A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species, which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Planning Commission.

**B. Composition:** Landscaping provided under this Article shall consist of a mixture of plant materials including deciduous and evergreen groundcovers, shrubs, and trees, and in a manner that emphasizes native species, minimizes the potential loss of substantial vegetation due to excessive reliance on a single species which may become subject to insect or disease infestation, and encourages an overall unified landscape strategy. The quantity and size of plant materials shall comply with the following table except where the site plan approving body finds that specific conditions exist on the lot or surrounding parcels that suggest differing standards. However, the site plan approving body may not alter any standard in the table by more than thirty percent (30%) of such standard.

Tree Type	Minimum Size at Planting	Minimum Percent of Total Tree Plantings
Deciduous Shade Trees	2.5" caliper and 12' height.	35%
Deciduous Ornamental Trees	6' average height.	10%
Evergreen Trees	7' height.	20%
Shrub Type	Minimum Size at Planting	Minimum Percent of Total Shrub Plantings
Deciduous Shrubs	2' height, excluding ground covers and shrubs of a mature height of less than 3'.	20%
Evergreen Shrubs	2' height, excluding ground covers and shrubs of a mature height of less than 3'.	20%

**C. Berms:** Berms shall be constructed with slopes not to exceed a 1:4 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm.

**D. Existing Trees:**

1. If existing plant material is labeled, "To Remain", on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.

2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Township, the applicant shall replace them with trees which meet Ordinance requirements.

**E. Irrigation:** All landscaped areas shall be provided with a readily available source of water. Underground irrigation systems shall be provided except where the approving body determines such a system is not feasible or practical.

(Ord. 12-11-07-01, Dec. 11, 2007)

### **Section 23.08 Installation, Maintenance And Completion**

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy, or a performance guarantee will be secured pursuant to Section 3.06 for the amount of the cost of landscaping to be released only after the landscaping is completed.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

### **Section 23.09 Fencing And Screening**

#### **A. Construction**

1. **Materials:** Fencing and screening shall consist of one or more of the following:
  - a. Solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of the wood shall face abutting properties.
  - b. Commercially available vinyl and composite fencing is permitted provided they are installed per the manufacture's specifications.
  - c. Wrought iron, open mesh or slatted fencing, provided that the ratio of one part open to six-parts of solid fencing is not exceeded.
  - d. Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The outer face of such wall (the face away from the use which is to be screened) to be of clay, brick, stone, embossed or pierced concrete block, or other decorative masonry material.
2. **Height:** Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be a minimum of four (4) feet and a maximum of six (6) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within Yard" is the water's edge.  
(Amend. 9-11-2014)

#### **B. Application**

1. **Mechanical Equipment:** (This subsection does not apply to single-family or two family residential uses, or to any use in an Industrial district except if it abuts a Residential district.) When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment. Roof-mounted equipment shall be screened by architectural features from the view of abutting streets and parcels.

2. Outdoor Storage in Commercial and Industrial districts: All dumpsters and other trash storage areas shall be screened on all sides by a solid wall or fencing that is a minimum six (6) feet in height and which is architecturally compatible with the primary building to which it is closest.
3. Utility Substations In Any District including Electrical Substations and Gas Regulator Stations: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and landscaping.
4. Swimming Pools: See Section 18.04.

**C. Exceptions to Fencing and Screening Requirements:**

1. Location Adjustment: Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission.
2. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.
3. Planning Commission Modification: Any of the requirements of this Section may be waived or modified through Site Plan approval, provided the Planning Commission first makes a written finding that specifically identifies characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.
4. Zoning Board of Appeals: The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.
5. Barrier Fences: Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.
6. Fire Hazard: No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

(Ord. 12-11-07-01, Dec. 11, 2007; Ord. 03-11-08-01, March 11, 2008)

**End of Article 23**

## Article 24 ENVIRONMENTAL STANDARDS

### Section 24.01 Intent And Purpose

The purpose of this Article is to promote a healthy environment in Mason Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment. All provisions of this Article apply to all structures and uses unless otherwise noted.

### Section 24.02 Natural Resources

**A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following:**

1. Published surface water drainage standards of the Cass County Road Commission and Cass County Drain Commissioner.
2. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshall and Local Fire Code.
3. Soil erosion and sedimentation requirements of the Cass County Drain Commissioner.
4. Requirements of the Michigan Department of Public Health and the Cass County Health Department.
5. Michigan Department of Environmental Quality requirements for air or water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal.
6. All local, county, state and federal regulations related to loading/unloading, transport, storage,
7. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.

**B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. Radioactive materials shall not be emitted at levels prohibited pursuant to county, state or federal regulations.

**C. Sensitive Lands:**

1. Where a portion of a parcel is characterized by wetlands, hydric soils, floodplains, or steep slopes, new development on the parcel shall occur on those portions of the parcel void of such sensitive resources where reasonably feasible.
2. The Township shall not approve any land use which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.  
(Ord. 12-11-07-01, Dec. 11, 2007)

## **Section 24.03 Potable Water And Sewage Disposal**

### **A. Potable Water and Sewage Disposal:**

1. Any structure for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
2. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Cass County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system. (Ord. 12-11-07-01, Dec. 11, 2007)

## **Section 24.04 Lighting**

**A.** No lighting shall in any way impair the safe movement of traffic on any street or highway.

**B.** Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles. or be closer than thirty (30) feet to any street night of way line.

**C.** In addition to 24.04(A) and (B) above, outdoor lighting shall comply with the following standards except as provided for in Section 24.04(D) below:

1. Lighting shall be designed and constructed to insure that direct and reflected light, unless part of a street lighting or access road lighting program, is confined to the lot or parcel upon which the light source is located.
2. Exterior lighting shall be so installed that the surface of the source of light, such as a light bulb, shall be hooded or louvered to minimize the visibility of the light source and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
3. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the light source so that light rays shall not be emitted by the luminaire at any angle above this horizontal plane, as may be certified by photometric tests.
4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.

**D.** Outdoor lighting which need not comply with the standards of Section 24.04(C) above shall be limited to:

1. Residential lawn, dock, and decorative lighting provided the light source is less than six (6) feet in height from the closest ground or pavement.
2. Seasonal lighting associated with religious holidays, such as Christmas.
3. Outdoor recreation and amusement areas provided the luminaries are mounted at a sufficient height, designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and turned off during hours the facility is closed to the public.
4. Neon lighting or LED lighting.

## **Section 24.05 Commercial And Industrial Uses**

All land uses and structures within commercial or industrial zoning districts shall conform to the following standards:

**A.** No major repairs or refinishing shall be done outside of the principal structure.



**B.** The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Decibels (dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

**C.** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured by any lot line of its source.

**D.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied,

**Section 24.06 Clearing, Grading And Storm Water Management**

**A.** Clearing, grading, and the management of storm water shall comply with all regulations and standards of the Cass County Drain Commissioner except where exempted by law and upon a finding by the site plan approving body that proposed alternatives adequately protect the public health, safety and welfare. To the extent not otherwise required by law or regulation, clearing, grading and storm water management shall comply with the following standards:

1. Stripping and removal of topsoil from a lot is prohibited except where necessary for the erection of structures and buildings for which a permit has been issued or where otherwise expressly authorized by the Township Board upon a finding that such stripping and removal shall not increase the potential for storm water runoff, soil erosion, wind-borne dust, or other environmentally threatening conditions.
2. The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and avoids the creation of standing water over a sewage disposal drain field.
3. Storm water runoff shall be retained or detained on site as necessary so as to ensure such runoff does not alter the quantity or rate of runoff upon adjacent properties including roads, streams and water bodies.
4. No storm water management plan shall result in a reduction in the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.
5. To the extent that retention or detention ponds are utilized, side slopes shall not exceed a maximum 4:1 slope. Ponds that are designed to typically retain water shall have side slopes not exceeding 6:1 along seventy percent (70%) of the pond perimeter where within ten (10) feet of the intended water level.
6. The maximum freeboard of all detention and retention ponds shall not exceed three (3) feet.
7. Grading of drainage ponds shall minimize topographic alterations so as to encourage a drainage plan that retains the predevelopment topographic conditions to the greatest extent feasible and practical.
8. Landscaping shall be provided in association with drainage ponds in a manner that encourages a naturalistic setting. All plant material shall be compatible with soil and drainage conditions.

(Ord. 12-11-07-01, Dec. 11, 2007

**End of Article 24**

## Article 25 WIND ENERGY SYSTEMS (WES)

### Section 25.01 Purpose

The purpose of this Article is to establish standards and procedures by which the installation and operation of a Wind Energy System (WES) shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

### Section 25.02: Definitions

1. Wind Energy Systems (WES) shall mean a combination of:
  - a. A surface area, either variable or fixed, for utilizing the wind for electrical power and
  - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or electricity producing device and
  - c. The generator, alternator, or other device used to convert the mechanical energy of the surface energy into electrical energy; and
  - d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
  - e. Building or equipment accessory thereto
2. Noncommercial WES: A WES placed upon land with the intent to provide electricity primarily for the owner of the property.
3. Commercial WES: One or more WES placed upon land with the intent to sell or provide electricity to others. The WES may or may not be owned by the owner of the property upon which the WES is placed.
4. Wind Farm: A grouping of commercial WES (3 or more)
5. WES Height: The distance as measured from the ground to the highest point of the WES, the highest point could either be the tip of the blade at its highest vertical point or the highest point of the WES structure

### Section 25.03: Noncommercial Wind Energy Systems

Noncommercial wind energy systems (NWES) are permitted in any district with a Special Use Permit provided:

1. NWES facilities may be a principal use or an accessory use on a parcel.
2. Minimum parcel size upon which the NWES is to be located shall be one and one-half (1-1/2) acres.
3. Minimum clearance between the ground and the tip of the blade at its lowest vertical point of a NWES shall be fifteen (15) feet. Maximum height of a NWES shall be sixty (60) feet. NWES of over sixty (60) feet in height can only be located in an Agricultural District or the Industrial District.
4. Minimum setback of a NWES shall be one and one-half (1-1/2) feet for every one (1) foot of tower height.
5. For every additional NWES on a parcel, an additional one and one-half (1-1/2) acres shall be provided; however, the wind turbines may be clustered on site. Properties with three (3) or more NWES per parcel are subject to the site plan review and shall include the following information:
  - a. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and above ground structures associated with the NWES.
  - b. Existing and proposed setbacks of all structures located on the property in question.
  - c. Plan review and elevation view of the premises accurately depicting the proposed NWES and its relationship to all structures within three hundred (300) feet.
  - d. A copy of the manufacturer's installation instructions, shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Michigan Building Code as adopted by the Township. Drawing and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
6. NWES electrical equipment and connections shall be designed and installed in adherence to the National Electric Code as adopted by the Township.

7. NWES shall be equipped with both a manual and automatic braking device capable of stopping the NWES operation in high winds as established by the manufacturer.
8. NWES shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower containing the following information:
  - a. Emergency telephone number
  - b. Emergency shutdown procedures
  - c. "Warning, High Voltage"
9. NWES shall not have affixed or attached any other signs, lights, reflectors, flashers or any other illumination, except for illumination devices required by federal regulations.
10. Guy wires shall be identified by a high visibility tubular shield surrounding the guy wire and be at least eight (8) feet in length as measured from ground level.
11. Noise emanating from the operation of the NWES shall not exceed fifty (50) decibels as measured on the DBA scale, measured at the nearest property line.
12. The Township hereby reserves the right upon issuing any NWES Special Land Use permit to inspect the premises on which it is located. If a NWES is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation. Penalties can be assessed based on Article 3, Section 3.05.
13. Any NWES that is not used for twelve (12) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The twelve (12) month period may be extended if applied for by the property owner and granted by the Township Board in writing.

#### **Section 25.04 Commercial Wind Energy Systems (Cwes)**

1. CWES facilities may be a principal use or an accessory use on a parcel.
2. All CWES facilities are only allowed in the Agricultural District and the Industrial Districts and must apply for a Special Land Use permit.
3. Minimum lot size for a CWES shall be twenty (20) acres and a minimum of three (3) acres of site area is required for each CWES proposed within an eligible property; however, the wind turbines may be clustered on site.
4. In addition to the plans for the site plan application and review outlined in Section 6, the following information shall be included with any application for a Special Land Use for a CWES:
  - a. Location of overhead electrical transmission or distribution lines.
  - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the CWES
  - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the subject property including the distance of each from the exterior boundary.
  - d. A Plan view and Elevation view of the premises accurately depicting the proposed CWES and its relationship to all structures within three hundred (300) feet. For wind farms, in which case numerous towers of similar height are planned, sketches are necessary only at the borders of the proposed subject wind farm and when adjacent to other established structures within three hundred (300) feet.
  - e. Access roads to the CWES facility with detail on dimensions, composition, and maintenance.
  - f. Planned security measures to prevent unauthorized trespass and access. To prevent unauthorized climbing, CWES towers must comply with one of the following provisions:
    - i. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
    - ii. A locked anti climb device shall be installed on the tower.
    - iii. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.

5. A copy of the manufactures installation shall be provided. Included as part of or as an attachment to the installation instructions, shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
6. Each CWES shall be grounded to protect against natural lightning strikes and the electrical equipment and connections shall be designed and installed in adherence to the Electrical Code adopted by the Township.
7. CWES towers shall be setback from the closest property line one and one-half (1-1/2) feet for everyone (1) foot of tower height.
8. CWES shall be setback from the above ground utility lines one and one-half (1-1/2) feet for every one (1) foot of tower height.
9. Maximum height of a CWES shall be three Hundred (300) feet.
10. Colors and surface treatment of the CWES and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
11. Blade-area created by the CWES shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within two hundred (200) foot radius of the tower.
12. Each CWES shall have one (1) sign not exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a. "Warning, High Voltage"
  - b. Manufactures' name
  - c. Emergency telephone number
  - d. Emergency shutdown procedures
13. CWES shall not have affixed or attached, any lights, reflectors, flashers or any other illumination, except for the illumination devices required by federal regulation.
14. Guy wires shall be identified by a high visibility tubular shield surrounding the guy wire and be at least eight (8) feet in length as measured from ground level.
15. CWES shall be designed and constructed so as not to cause radio and television interference.
16. Noise emanating from the operation of CWES shall not exceed sixty-five (65) decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant at property lines for normal operating conditions.
17. Any proposed CWES shall not produce vibrations humanly perceptible beyond the property on which it is located.
18. The on-site electrical transmission lines connecting the CWES to the public utility electricity distribution system shall be located underground.
19. No CWES shall be interconnected with a local electrical utility company until the utility company shall adhere to the Electrical Code as adopted by the Township.
20. The applicant shall demonstrate mitigation plans to minimize impacts to birds and other wildlife that may collide with the rotor blades. Bird flyways and migration patterns shall be considered in siting CWES.
21. The Township hereby reserves the right upon issuing any CWES Special Land Use Permit to inspect the premises on which the CWES is located. If a CWES poses a potential safety hazard, the owner shall take expeditious action to correct the situation. Penalties can be assessed based on Article 3., Section 3.05.
22. Any CWES, which are not used for twelve (12) consecutive months, shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The twelve (12) month period may be extended if applied for by the property owner and granted by the Township Board in writing.
23. A condition of the Special Land use for any CWES system shall be the posting of a bond equal to the estimated cost of removing any and all structures constructed on the premises for the purpose of creating a CWES system. The amount shall be determined by the Mason Township Board.

**Section 25.05 Anemometers**

1. An anemometer erected for the purpose of measuring air speed or for any other purpose that may be associated with a Noncommercial Wind Energy System shall meet the same guidelines required of a Noncommercial Wind Energy System (CWES) unless otherwise approved by the Planning Commission.
2. An anemometer erected for the purpose of measuring air speed or for any other purpose that may be associated with a Commercial Wind Energy System shall meet the same guidelines required of a Commercial Wind Energy System (CWES) unless otherwise approved by the Planning Commission.

**Section 25.06 Severability**

Should any section, clause, or provision of this Ordinance be declared unconstitutional, illegal, or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall no be deemed to effect the validity of any other part or portion of this Ordinance

**End of Article 25**

**Article 26**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT REPEAL AND EFFECTIVE DATE**

**Section 26.01 Interpretations**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and un-repealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land. However, where this Ordinance imposes a greater restriction upon the use of buildings or structures, land, or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 26.02 Severance Clause**

Sections of this Ordinance shall be deemed severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared unconstitutional or invalid. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

**Section 26.03 Vested Right**

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

**Section 26.04 Repeal**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Section 26.05 Effective Date**

This Ordinance shall take effect 30 days following adoption, and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Rural Zoning Act, PA 184 of 1943 as amended.

Made and passed by the Township Board of the Township of Mason,  
Cass County, Michigan on the 10th day of June, 1997.

1. Date of Public Hearings: May 29, 1997, April 28, 1997
2. Dates of Publication of Public Hearing Date(s):  
May 29, 1996 Hearing: May 5, 6, 8, 12, 14, 15, 19, 21, 22, 26, 28, and 29, 1996  
April 28, 1997 Hearing: April 3, 16, and 23, 1997.
3. Date of Adoption by Township Board: June 10, 1997
4. Date Notice of Adoption Published in Newspaper: June 20, 1997
5. Date Ordinance Shall Take Effect: July 21, 1997

**End of Article 26**