

MILTON TOWNSHIP

Cass County, Michigan

Zoning Ordinance

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Chapter 1 – Title, Purpose and Intent

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Milton Township Zoning Ordinance", "this Ordinance", "the Ordinance", or phrased in similar fashion. In all cases, such terms and phrases shall refer to the Milton Township Zoning Ordinance.

Section 1.02 Purpose and Intent

This Ordinance is adopted for the following purposes:

1. To promote the public health, safety, and general welfare.
2. To implement the goals, objectives and future land use recommendations of the Milton Township Master Plan and to regulate the intensity of land use in a manner compatible with said plans;
3. To provide adequate natural light, air, and safety and to protect the public health;
4. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
5. To lessen or avoid congestion in the public streets and highways;
6. To conserve the value of land and buildings throughout the Township and to preserve and enhance aesthetic values throughout the Township;
7. To facilitate orderly growth;
8. To protect lands best suited for the pursuit of agriculture from the encroachment of development;
9. To provide for the needs of recreation, residence, commerce, and industry in future growth;
10. To protect land, woodlands, rivers, streams and underground deposits of mineral resources;
11. To regulate the completion, restoration, reconstruction, and extension of nonconforming uses;
12. To create a Zoning Board of Appeals and to define the powers and duties thereof;
13. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
14. To provide for the payment of fees for permits and escrow accounts to support the expense of administration and proper review of applications for permits;
15. To provide penalties for the violation of this Ordinance;
16. To provide safety in traffic and vehicular parking;
17. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

Section 1.03 Scope

1. Zoning affects all structures and land uses within the Township. Any use not specifically mentioned within this ordinance is prohibited.
2. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference,

or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.

3. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.04 Legal Basis

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Chapter 2 – Definitions

Section 2.01 Rules applying to text

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

1. The particular shall control the general.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
4. A "building" or "structure" includes any part thereof.
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
6. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.
7. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
8. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
9. With the exception of this Chapter, the headings which title a Chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
10. Terms not defined shall have the meaning customarily assigned to them.

Section 2.02 "A"

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building or Structure: A subordinate building or structure including garages, or a portion of a main building, the use of which is in keeping with, and incidental to that of the main building. Said accessory building shall clearly be located on the lot of the main building and shall not be used for habitation. Storage sheds and satellite dishes (over 36 inches in diameter) shall be considered accessory structures.

Accessory Dwelling Unit: A dwelling unit consisting of either a stick built house, converted out-building or other habitable space/structure used in conjunction with the main dwelling for the housing of non-paying visitors, guests or family, separate from the primary dwelling containing separate kitchen, sleeping and bathroom facilities, and not exceed the size of the main floor of the primary dwelling unit.

Accessory Use: A use of a building, lot, parcel, building site, or portion(s) of same which is customarily incidental and subordinate to the principal use of the principal building or of the lot, parcel or building site.

Adult Use: a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined:

1. Adult Arcade: any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically controlled or mechanically controlled still picture or motion picture machines, projectors, image-producing or image projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected, produced or displayed are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
2. Adult Bookstore or Adult Video Store: a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any of the following:
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - c. A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs 1 or 2, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it compromises 20% or more of the establishment's gross revenues, or if such materials occupy 20% or more of the floor area or visible inventory within the establishment.
3. Adult Cabaret: a nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity;
 - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities;
 - d. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. Adult Motel: a hotel, motel or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertised the availability of any of the above;
 - b. Offers a sleeping room for rent for a period of time that is less than (12) twelve hours; or
 - c. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than (12) twelve hours.

5. Adult Motion Picture Theater: a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction of Specified Sexual Activities or Specified Anatomical Areas.
6. Adult Theater: a theater, concert hall auditorium, or similar commercial establishment that regularly features a person or persons who appears in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.
7. Escort: a person who, for consideration agrees or offers to act as a companion, guide, or date of another person or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
8. Escort Agency: a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.
9. Nude Model Studio: any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who pay money or any other form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.
10. Sexual Encounter Center: a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:
 - a. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex or the same sex; or
 - b. Activities between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity.
11. Specified Anatomical Areas:
 - a. Less than completely opaquely covered human genitals, pubic region buttock or anus; or female breast immediately below a point immediately above the top of the areola; or,
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
12. Specified Sexual Activities means and includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast;
 - b. Sex acts, normal or perverted, actual or simulated including but not limited to intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or,
 - d. Excretory functions as part of or in connection with any of the activities set forth in paragraph a, b, and/or c above.

Adult Day Care Facility: A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult Day Care Family Home: An owner-occupied private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Day Care Group Home: A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility: An establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

1. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
2. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
3. County infirmary operated by a County department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
4. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
5. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
6. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Foster Care Family Home. An owner-occupied facility with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Small Group Home. A facility with approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Medium Group Home. A facility with approved capacity to receive at least seven (7) but not more than twelve (12) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Large Group Home. A facility with approved capacity to receive at least seven (7) but not more than twelve (12) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Agricultural Labor Housing: One or more dwellings intended for the seasonal occupation of migratory farm workers and their families developed and licensed pursuant to the rules, regulations and standards

of the State of Michigan Department of Agriculture and Rural Development which governs the licensing and operation of migratory worker dwellings.

Agricultural Service Establishments: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

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

Animals, Wild or Exotic. Any animal which is not typically domesticated or found on farms or in residential homes, but which are typically found in the wild, zoos, circuses, wildlife sanctuaries or nature preserves. This definition includes, but is not limited to, such animals as primates, elephants, rhinoceroses, camels, all members of the Felidae family including, but not limited to, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, bobcat, ocelot, and servals or any other species of non-domesticated cat, badgers, bears, beavers, coyotes, coyote hybrids, wolves, wolf hybrids, crows, deer, antelope, elk, mink, moose, muskrat, fox, fox hybrids, opossums, otters, ostriches, emu, wild rabbits, raccoon, skunks, venomous snakes, squirrels, wild turkey, crocodiles, alligators, seals, sharks and whales.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

Art Studio: Place designed to be used as a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing. An art studio may also include the sales of works of art at retail as an accessory use.

Assisted Living Facility: An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides personal care services. Assisted Living Facilities must be licensed by the state under Chapter 247 of the Health and Safety Code.

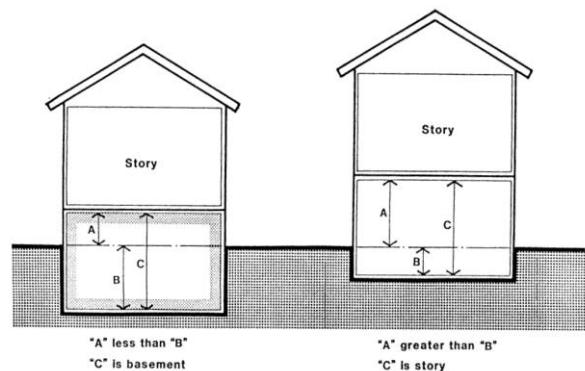
Automobile Repair Facility: A facility that performs general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles.

Automobile Sales Facility: A retail business typically characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as motor vehicle repair and service, a car wash, parts storage areas, and financial service areas.

Section 2.03 “B”

Basement or Cellar: A portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

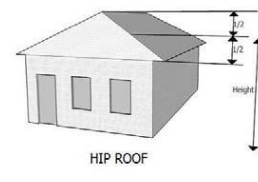
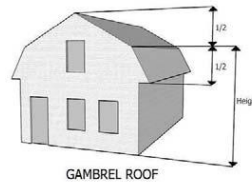
Bed and Breakfast Establishment: A private owner-occupied residence at which overnight accommodations and a morning meal are provided to transients for compensation, for periods no longer than seven (7) days.



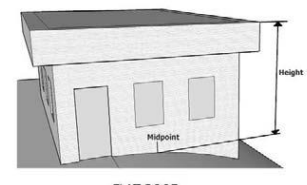
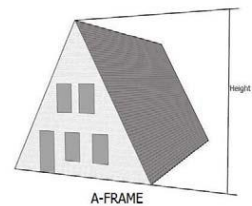
Berm: A mound of soil graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

Building: Any enclosed structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

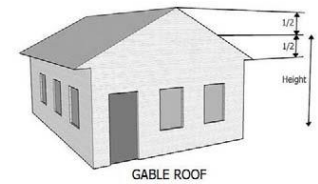
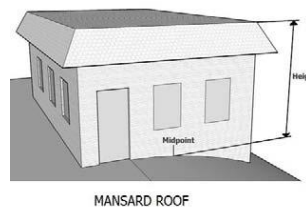
Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the dock of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



Building Permit: A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance and all other applicable Ordinances.



Building Setback: The measurement from the property line to the nearest point of the main wall of the building or structure.



Section 2.04 "C"

Campground: A facility for camping or staying overnight with sites for tents, trailers, and/or camping recreational vehicles, which is either open to the general public for either free or with a charge or a fee, operated and utilized by private members or is operated by a bona fide nonprofit organization, church, or similar organization and includes all facilities as defined by MCLA 333.12501 et seq, as amended.

Car Wash: An establishment utilizing mechanical facilities for the washing, drying or waxing of private automobiles, light trucks and vans, but not commercial fleets, and which may be an accessory use to a gas station.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Child Care Center: A facility, other than a private residence, receiving one (1) or more children for care or periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include 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 three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

Child Care Home, Family: A private residence 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 twenty-four (24) hours per 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 four (4) weeks during a calendar year.

Child Care Home, Group: A private residence in which between seven (7) and 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.

Church: A place of assembly owned or maintained by an organized religious organization for the purpose of regular gatherings for worship services. The term church includes mosques, synagogues, temples, shrines, meetinghouses and pagodas, and which may include accessory private schools, administration offices, child care for members and visitors and other services for members incidental to the primary religious use.

Clearing of Land: The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide, forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by one or more professionals, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

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

Common Area: Any portion of a development that is not part of a lot or tract and is designed for the common usage of the development. These areas include green open spaces and may include such other uses as parking lots and pedestrian walkways.

Community Center: A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Contractor's Yard: A facility or site and associated buildings used primarily for the office operations and the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft, and including incidental sales of materials.

Country Club: A private club, often with a closed membership, that typically offers a variety of recreational or sports facilities such as golf, tennis, swimming or polo. A country club may provide hospitality to members and guests such as a restaurant and bar and may also provide suitable accommodations for host-catered events, such as weddings.

Section 2.05 "D"

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than ten (10) inches above the finished grade.

Density: The number of dwelling units situated on or to be developed on per acre of land.

Drive-through Establishment: A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

Dwelling: Any building or portion thereof which is occupied all or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms, or cabins.

Dwelling, Multiple-Family: A building designed for use and occupancy by three (3) or more families.

Dwelling, Single-Family: A building designed for use and occupancy by one (1) family only.

Dwelling, Two-Family: A building designed for use and occupancy by two (2) families only.

Dwelling Unit: One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purpose with housekeeping facilities.

Section 2.06 “E”

Educational Facility: Any public, parochial, private, charitable, or nonprofit school, junior college, or university, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Essential Services:

1. The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.
2. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
3. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

Excavation: Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter except common household gardening.

Section 2.07 “F”

Family:

1. An individual or group of two or more persons related by blood, marriage or adoptions, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character who are cooking and living as a single non-profit 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 relation is of a transitory or seasonal nature or for an anticipated limited duration of the school term or terms, or other similar determinable period.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Operation: the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets.
2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

Fence: Any permanent or seasonal partition, wall, structure erected for the purpose of separating, screening, enclosing or protecting property.

Filling: The depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

Financial Institution: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

Floor Area, Gross:

1. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The GFA of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above average finished lot grade. (See also Basement)
2. GFA shall not include attic space having headroom of seven-and-one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

Floor Area, Usable:

1. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.
2. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

Frontage, Street: The horizontal distance between the side lot lines measured at the street right-of-way or easement line.

Frontage, Waterfront: The horizontal distance along and adjacent to a body of water.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, and which may include cremation activities.

Section 2.08 “G”

Game Or Hunting Preserve: A fenced area in private ownership containing wild animals which are regularly hunted for a fee. This does not include a bona fide farm which is occasionally hunted by sportsmen and for which a small fee may be paid.

Garage: An attached or detached building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located.

Garage, Vehicle Repair: A structure, or portion thereof, designed or used for the repair, equipment, or servicing of motor vehicles, including, but not limited to, upholstery work, glass work, painting, welding, body and fender work, and major engine overhaul and transmission work, but not including motor vehicle sales.

Gas Station: Any building, structure or land used for the dispensing, servicing, sale or offering for sale at retail, of any automobile fuels, oils, or accessories.

Golf Course: A facility, other than a miniature golf course, for the playing of golf. A golf course customarily includes a clubhouse including rest rooms, and may provide, as an accessory use, additional facilities for outdoor recreation, related retail sales and/or a restaurant or bar.

Government Building: The offices of any department, commission, independent agency, or instrumentality of the United States, of a State, County, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

Grade: The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenhouse: A building or structure generally constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers, shrubbery, trees, and other horticultural and floricultural products, all or part of which are sold at retail or wholesale.

Gun Range: An outdoor facility designed for the firing of handguns, rifles, or other firearms. For the purposes of this Ordinance, an indoor gun range shall be considered an indoor recreation facility.

Section 2.09 “H”

Home Occupation: A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, including beauty shops, barber shops, nursery schools, photographic studios, or vehicle repairs.

Home Based Business: A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling but conducted primarily in other locations off the premises. Examples of potential home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

Hospital: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hospital, Animal: A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also be considered a veterinary clinic.

Hotel or Motel: An establishment containing lodging accommodation designed for use by transients or travelers or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses.

Household Pet: Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes (e.g., commercial kennel).

Section 2.10 “I”

Indoor Recreation Facility: An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, shooting or handball. Such facility may also provide other regular organized events, including health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities. For the purposes of this Ordinance, an indoor shooting range shall be considered an indoor recreation facility.

Inoperative Motor Vehicle: A motor vehicle which is unregistered, unlicensed, uninsured and/or incapable of being operated under its own power.

Institutional Uses: Public and public/private group use of a nonprofit nature, typically engaged in public service, including, but not limited to nonprofit cultural centers, charitable organizations and educational institutions.

Section 2.11 “J”

Junk: For the purpose of this Ordinance, this term shall mean any inoperable motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junkyard: A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored baled, packed disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

Section 2.12 “K”

Kennel: Any lot or premises on which more than five (5) more dogs, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale; or as defined by the Dog Law Enforcement Ordinance Cass County, Michigan

Section 2.13 “L”

Laboratory. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Landscaping. The planting and maintenance of trees, ground cover, shrubs, vines, flowers, or lawns, including natural features such as rock or stone.

Living Space. That part of a dwelling that is normally occupied including bedroom, kitchen, bathroom and gathering areas it excludes storage areas such as closets, attics and garages. In order for a basement to qualify as living space, it must have a second form of egress under the building code.

Livestock. Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

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

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

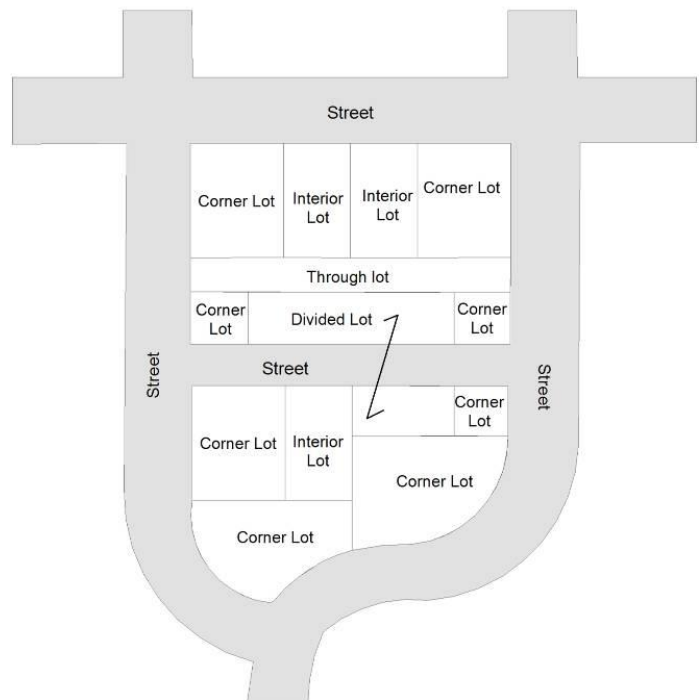
Lot Area: The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way or road easements.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot Coverage: That portion of a lot, expressed as a percentage, occupied by buildings, structures, and parking and loading areas.

Lot Depth: The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.

Lot Types



Lot Divided: A lot that is bisected by a street or private street.

Lot Frontage or Frontage: The distance for which the front boundary line of the lot and the street line are coincident. In the case of a metes and bounds parcel, frontage is measured along that part of the lot abutting a street.

Lot, Interior: A lot other than a corner lot with only one frontage on a street.

Lot, Lake Front: A lot with a front lot line which is coincident with the ordinary high water mark of a named lake or river.

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

Front Lot Line: In the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, the Zoning Administrator shall designate the front lot line. In the case of a corner lot, the shorter street line shall be considered the front lot line; except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. However, once declared, the designated front lot line shall remain as such. In the case of a waterfront lot, the lot line separating the lot from the water shall be considered the front lot line.

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

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

Lot of Record: A lot which is part of a subdivision recorded in the office of the Cass County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Through: A lot that fronts upon two (2) more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot, waterfront. A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water.

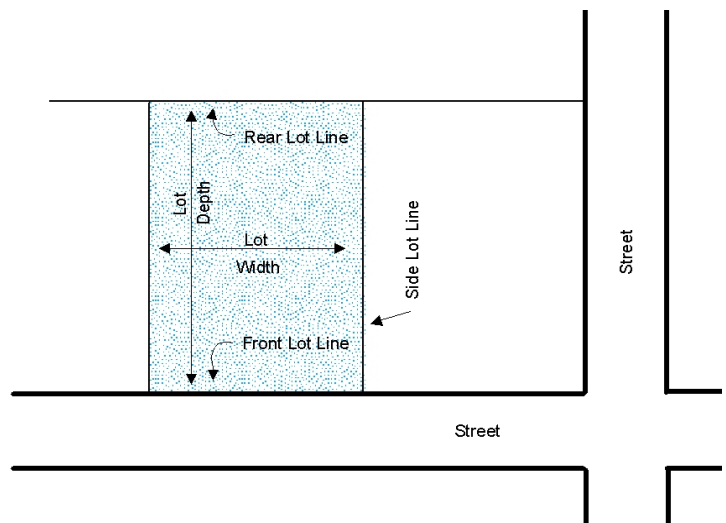
Lot Width: The shortest continuous distance between the side lot lines, measured at the setback line.

Lumberyard. An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail or for delivery.

Section 2.14 "M"

Manufacturing or Processing: Any use in which the major activity is the treatment, processing, rebuilding or repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises; as distinguished from a retail use where the treatment, processing, repairing, or storage is secondary to the sale, exchange, or repairing of materials or products on the premises.

Lot Elements



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).

1. Marihuana Collective or Cooperative: 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 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.
2. 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 two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients 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.
3. Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat 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).
4. Primary Caregiver: 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.
5. Qualifying 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.
6. Smokehouse: Smokehouse means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass: 1) a primary caregiver facility at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s); or, 2) the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is received care.

Medical Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care and emergency medical services, which might include minor surgical care, that generally require a stay less than 24 hours.

Mining Operation: The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract or parcel, in excess of 1,000 cubic yards per year, and including the incidental maintenance of machinery or equipment used in connection with such mining operation. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not constitute a mining operation.

Mini-Warehouse or Self-Storage: A building or portions of buildings offered to the public for a fee on a monthly or yearly basis for the storage of goods.

Mixed Use Development: A tract of land, buildings or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

Mobile Home: a structure, transportable in 1 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; provided, however, that the term “mobile home” shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use, and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile Home Park: A use which is a parcel of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Section 2.15 “N”

Natural Features: Natural features shall include, but not be limited to: soils, wetlands, woodlots, floodplains, trees, overgrown fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission, Township Board or State of Michigan Natural Features Inventory.

Natural Vegetative Cover: Significant natural vegetation, including bushes, shrubs, groundcover, and trees, on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

Noncommercial Wind Energy Conversion System (NWECS): A Noncommercial Wind Energy Conversion System is a wind driven machine(s) that converts wind energy into electrical power for primary purpose of on-site use and not for resale.

Nonconforming Building Or Structure: A building, structure or portion thereof which does not conform to one or more of the provisions of this Ordinance.

Nonconforming Lot: A lot that does not conform to the requirements for lot area or lot width, or other applicable provisions of this Ordinance.

Nonconforming Use: A use that does not conform with one or more of provisions of this Ordinance.

Nursing Home: A home licensed by the State for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cut Christmas trees.

Section 2.16 “O”

Open Air Business: Uses operated substantially in the open air, including, but not limited to:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.

2. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Flea Markets.

Open Space Development: A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

Open Space: Undeveloped land not part of any required yard, which is set aside in a natural state or for an agricultural use.

Open Space, Usable: That portion of the common open space which due to its size, slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

Outdoor Recreation: Uses which provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting, including but not limited to; amusement and water parks, theme parks, fairgrounds, zoos, golf driving ranges, miniature golf facilities, animal racing, go-cart, automobile or motorcycle tracks, motocross, amphitheaters, air gun or survival games, batting cages, ski slope, and skate board parks where provided for in the respective Zoning Districts.

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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

Section 2.17 “P”

Packaging and/or Distribution Facility: A facility where goods are received, packaged and/or stored for delivery to customers at remote locations.

Park: A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space for passive or active use. An improved park typically includes ancillary constructed or installed facilities, such as playground equipment, restrooms or picnic shelters, while an unimproved park may include interpretive programs and trail systems that take advantage of geological, biological or scenic resources. A park does not include an indoor or outdoor recreation establishment.

Parking Lot: A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

Parking Space: An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

Personal Service Establishment: An establishment that offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, tanning and nail salons, massage facilities, garment repair, and other similar establishments.

Planning Commission: The Milton Township Planning Commission.

Planned Unit Development: A form of land development that is intended to accommodate developments with mixed or varied uses, having sites with unusual topography or unique settings within the community, or on land which exhibits difficult and costly development problems.

Principal Building: A building which is primarily occupied or devoted to the principal use of the lot, parcel or building site, i.e., not occupied by or devoted to an accessory use.

Principal or Main Use: The primary or predominant use of a lot.

Private Club or Lodge: 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, not the general public.

Private Road: A private road is a non-public roadway, having a defined right-of-way which serves or is located upon more than one separately held parcel or lot, or which serves more than three dwelling units, or more than one commercial or industrial activity.

Professional Office: A building or portion thereof that is primarily used for offices for members of a recognized profession maintained for the conduct of business in professions such as architects, engineering, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

Public Sewer System: A sewer system that is owned and/or operated by a municipality, governmental agency, or utility that collects, treats, and disposes of sewage from individual lots by a system of pipes to a central treatment and disposal plant

Section 2.18 “Q”

Reserved.

Section 2.19 “R”

Recreation Vehicle: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Research Facility or Laboratory: A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

Resort: A building or group of buildings containing lodging accommodations, with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, and golf, and which may furnish services customarily furnished at a hotel, including a restaurant and convention space primarily intended to serve users of the resort.

Restaurant: A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out.

Retail Store: A store or establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding Stable: A structure in which horses are kept for the purposes of boarding, breeding, personal use, training, or rental.

Roadside Stand: A temporary building, structure or area of land designed or used for the display and/or sale of agricultural products.

Section 2.20 “S”

Setback, Required: The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

Shopping Center: A group of retail and other commercial, office or similar establishments that is planned, owned, and managed as a single property. By way of example, shopping malls, outlet malls, lifestyle centers and strip malls may be considered as shopping centers.

Sign: See definitions in Section 14.03

Site Condominium: A land development that is undertaken subject to the requirements of the Michigan Condominium Act (Act 59 of 1978, as amended)

Special Land Use: A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare.

Stacking Space: An area designated for a line of vehicles waiting for drive-through service.

Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, or other thoroughfare.

1. Cul-de-Sac: A local road of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
2. Collector or Arterial Road: Roads that gather traffic from local streets and/or move larger volumes of traffic through the Township.
3. Driveway: A means of access for vehicles from a road 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 other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the road from which driveway access is derived).
4. Local street: A public road with local traffic volumes, the principal use or function of which is to give access to abutting properties.
5. Private Road: An undedicated, privately controlled and maintained easement or other interest in land that provides the means of access to two (2) or more lots or parcels. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, or other thoroughfare.
6. Public Road Authority: The Cass County Road Commission or Michigan Department of Transportation having jurisdiction over the roadway.
7. Right-of-Way: A road, 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.
8. Public Street: A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

Structure: Anything, except a building, that is constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. For the purposes of this Ordinance, parking lots and septic tanks are not considered structures.

Subdivision: A land development that is undertaken subject to the platting requirements of the Michigan Land Division Act (Act 288 of 1967, as amended).

Swimming Pool: A water-filled structure at least two (2) feet deep in which people can swim, the pool structure is usually set upon or into the ground outdoors.

Section 2.21 “T”

Temporary Building or Use: A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

Theater: A building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received.

Towing Service: An establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Township Board: The Milton Township Board of Trustees.

Township: Milton Township, Cass County, Michigan.

Section 2.22 “U”

Usable Floor Area: The floor area of a dwelling exclusive of garages, porches, basement or utility area.

Section 2.23 “V”

Vehicle Repair: Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing; refinishing or steam cleaning.

Veterinary Clinic: Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of diseases to domesticated animals. Veterinary clinics may include a kennel as an accessory use for the boarding of animals that are receiving care at the clinic.

Section 2.24 “W”

Waste Disposal Facility. A facility that collects and/or accepts junk, trash, recycling materials, yard waste, household waste, hazardous waste and similar items for processing. For the purposes of this Ordinance, a landfill is not considered a waste disposal facility.

Wind Energy Conversion System (WECS): A combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and

5. Building or equipment accessory thereto.

Survival wind speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Wind farm: Clusters (2 or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. The towers may or may not be owned by the owner of the property upon which the towers are placed.

Commercial WECS: A WECS placed upon land with the intent to sell or provide electricity to others. The tower(s) may or may not be owned by the owner of the property upon which the tower is placed.

Interconnected WECS: A WECS, which is electrically connected to the local electrical power utility system and can feed power back into the local electrical power utility system.

WECS: A structure and equipment used to determine the potential for the placement of a WECS.

WECS tower height:

1. Horizontal axis wind turbine rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades;
2. Vertical axis wind turbine: The distance between the ground and the highest point of the WECS.

Wholesale or Distribution Facility. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

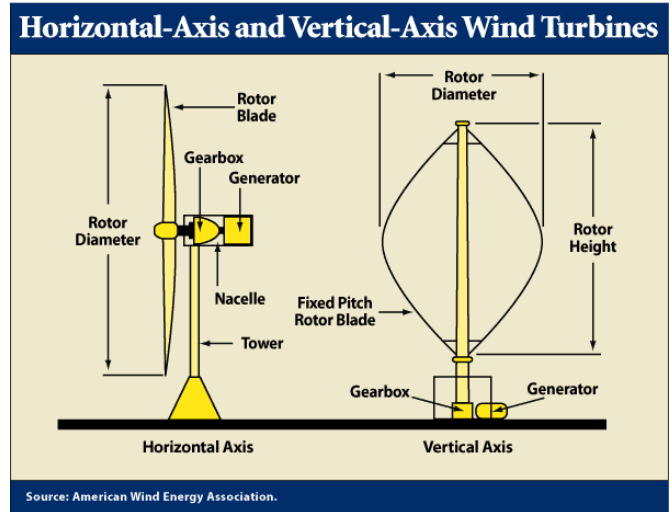
Wireless Communications Antenna: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities which are subject to state and federal law).

Wood Furnace: A bio-fuel, mechanical device which is accessory to and situated outside a building used for heating. Also known as outdoor furnaces or boilers.

Section 2.25 “X”

Reserved.

Section 2.26 “Y”



Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

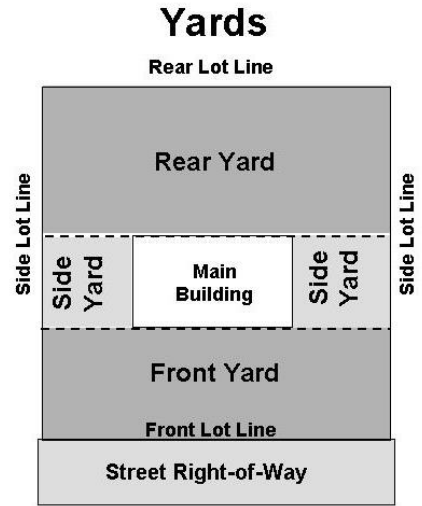
Yard, Front: A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line or private road right-of-way line, and the main wall of the building or structure. In the case of water front lots, the yard fronting on the water shall be considered the front yard.

Yard, Rear: A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

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

Section 2.27 “Z”

Zoning Administrator: The Milton Township Zoning Administrator.



Chapter 3 – General Provisions

Section 3.01 Application of Regulations

1. Unless otherwise noted, the regulations in this Ordinance apply throughout Milton Township and within each zoning district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.
2. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which it is located in accordance with this Ordinance.
3. Any use not specifically permitted under the district regulations of this Ordinance is prohibited.
4. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered to:
 - a. Accommodate or house a greater number of families than permitted by the Zoning District.
 - b. Have narrower or smaller rear yards, front yards, or side yards, other than permitted.
 - c. Reduce required parking areas, maneuvering aisles or loading areas.

Section 3.02 Clearing of Land

Unless associated with a farm, farm operation or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within Milton Township without first receiving appropriate zoning approval.

Section 3.03 Excavations

No soil, sand, gravel, or other earth material shall be removed from any land within Milton Township without Special Land Use approval as a mining operation, with the following exceptions:

1. When the earth removal or stockpiling is incidental to an operation for which an individual building permit has been issued by the designated public official;
2. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
3. When the earth removal is for the construction of a swimming pool.
4. When the earth removal is for the construction of stormwater-related facility for an approved development.
5. When the earth removal is for the normal maintenance of an existing pond or as required by any Township, county, state or federal government agency.

Section 3.04 Main Building or Principal Use

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or one (1) principal use, except for groups of related commercial and office development contained within a

single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which, in the opinion of the Zoning Administrator, form a unified function and appearance.

Section 3.05 Regulations Applicable to All Single-Family Dwellings

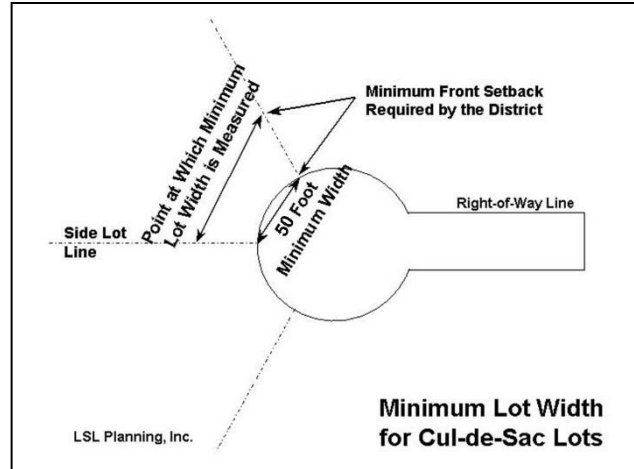
It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with the following regulations:

1. If the dwelling unit is a manufactured home, the manufactured home must have completed inspection reports that are traceable to the unit number (serial number) of the home meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
2. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction.
3. Dwellings shall be a minimum of 576 square feet in floor area for one-story buildings and 600 square feet on the main level of buildings containing more than one level. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas in multiple-family buildings, and accessory structures
4. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty four (24) feet at time of manufacture, placement or construction.
5. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
6. The dwelling unit shall be firmly attached to permanent continuous footings, which complies with applicable provisions of the adopted building code.
7. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or melt water way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
8. The standards of this Section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by state or federal law.

Section 3.06 Street Access

1. Every main building or structure hereafter erected or moved shall have minimum required road frontage equal to the minimum lot width that is adjacent and contiguous to a public street, or an approved private street. All structures shall be located on lots to provide safe and convenient access for fire protection, and required off-street parking.

2. The location of driveway entry points to public roads shall be reviewed and approved by the Cass County Road Commission or Michigan Department of Transportation, whichever applies. For developments requiring site plan review, the Planning Commission may impose stricter access management standards than the state or county road authorities.
3. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of fifty (50) feet at the front property line. (See graphic).



4. Driveways shall be set back a minimum of five (5) feet from any side property line unless shared driveways are employed, or if the driveway is located in a subdivision or site condominium.

Section 3.07 Home Occupations

1. No person other than the resident occupants shall be engaged in the home occupation.
2. A home occupation may be conducted in a dwelling or within an accessory building. The home occupation shall be clearly incidental and subordinate to the residential use of the property. If the home occupation is to be operated in within the dwelling, such occupation shall not exceed a total floor area of twenty five percent (25%) of the total gross floor area of the living area of the dwelling unit.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign as permitted by the by this Ordinance. The permitted sign shall be located on the same property as the home occupation and shall not be permitted within any street right-of-way.
4. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
5. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall not be located immediately adjacent to adjoining properties.
6. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, hazardous materials or electrical interference detectable to the normal senses off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

Section 3.08 Accessory Buildings and Structures

1. Unless otherwise permitted by this Ordinance or associated with a bona fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building.

2. Attached accessory buildings and structures that are structurally part of the main building shall conform to the district setback requirements of the main building.
3. An historic barn may be restored to its original building footprint if damaged or destroyed by an act of God.
4. When the distance between the main building and accessory building is covered by a breezeway, portico, covered colonnade or similar architectural device, then the accessory building must meet the setback requirements of the main building.
5. Detached accessory buildings or structures (except for approved roadside stands) shall not be located within the front yard unless the accessory building or structure is located over one hundred and fifty (150) feet off the road.
6. Accessory buildings shall not exceed the following size and height limitations. On lots with more than one (1) accessory building, the cumulative area of the accessory buildings may not exceed the applicable limits described below.

Lot Size	Maximum Size	Height
Less than two (2) acres	1,800 square feet	16 feet
Two (2) acres but less than five (5) acres	3,200 square feet	25 feet
Five (5) acres but less than ten (10) acres	5,000 square feet	25 feet
Ten (10) acres or more	7,000 square feet	30 feet

7. Detached accessory buildings shall be setback from rear and side property lines based on the following table:

Accessory Building Square Footage (GFA)	Required minimum rear and side yard setbacks (ft)
Less than 960	5
960 – 1,200	15
Over 1,200-2,400	25
Over 2,400	30

8. In approved subdivisions, site condominiums or Planned Unit Developments (PUDs), accessory buildings shall be constructed in a manner such that the exterior appearance is similar to that of surrounding dwellings.
9. Manufactured homes, semi-trailers or other vehicles shall not be used as accessory storage buildings.
10. No accessory building shall occupy any portion of a required greenbelt or buffer in any district.
11. Freestanding solar panels shall be considered an accessory structure and shall meet all front, side, and rear yard requirements specified for such structures. Roof panels shall not exceed the height of the building or structure to which it is attached.

12. The provisions of this Section do not apply to accessory structures erected to provide shelter at bus stops. Such structures shall obtain approval from the Township Zoning Administrator and comply with all applicable building codes.

Section 3.09 Fences

1. Unless specifically provided for elsewhere in this Ordinance, no fence may exceed a height of three (3) feet for substantially solid fences or walls and four (4) feet for chain-link, wrought iron, or picket fences within the required front yard of Residential Districts. No fence may exceed a height of six (6) feet behind the front setback line for main buildings in Residential Districts. Fences shall not exceed a height of eight (8) feet for agricultural or commercial uses.
2. Fence height shall be measured from the existing natural grade.
3. Fences shall be installed with workmanlike materials and be maintained at all times in a state of good repair. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
4. Unless otherwise permitted by this Ordinance, no person shall place, string or maintain razor wire as part of any fence, or structure at the property lines in any zoning district.
5. Electric fence may only be used as part of an agricultural operation, commercial or non-commercial.
6. Unless otherwise permitted by this Ordinance, barbed wire may only be used as part of an agricultural operation and may not be hung as a single strand at property lines.
7. It shall be unlawful to construct any fence in any public right-of-way or across a utility easement unless written permission is granted by the entity holding the easement.
8. Fences may be erected on the property line. In the case where property line locations are in dispute, the zoning administrator may require a staked survey to determine the exact location of property lines.
9. No fence shall be erected or maintained on any corner lot or parcel that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle driver approaching the intersection.
10. All fences shall be constructed with any and all supporting structures or devices in the inside of the fence.

Section 3.10 Swimming Pools

1. For the purposes of setbacks, pools are an accessory structure and an accessory use of land.
2. Any pool over (24) inches deep and with a surface area of more than two hundred and fifty (250) square feet shall not be constructed, installed, enlarged or altered unless in compliance with the State Construction Code.
3. The outside edge of the pool wall and/or the deck and any other appurtenances shall not be located closer than fifteen (15) feet from any rear or side property line. Swimming pools shall not be located in the required front yard.
4. Each pool shall be enclosed by a minimum four (4) foot high stockade fence, wall, or other structure or device, sufficient to make the pool inaccessible to small children. This enclosure, including gates shall not be less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.

Section 3.11 Outdoor Wood Furnaces

Wood furnaces located outside a building shall be permitted only under the following conditions:

1. The lot shall be a minimum of two (2) acres in area.
2. All units shall be “UL” (Underwriters Laboratory) listed and shall comply with State mechanical code.
3. The heating unit shall be located a minimum of one hundred (100) feet from any property line.
4. The unit shall not be located within the front yard unless it is located over one hundred and fifty (150) feet off the road.
5. The unit shall not constitute a nuisance to neighboring properties.
6. Chimney height, as measured from ground at base of furnace to top of chimney, shall be a minimum of fifteen (15) feet.
7. The furnace shall be located no closer than one hundred fifty (150) feet to another residence.

Section 3.12 Land Divisions

1. No lot or parcel (platted or unplatted) shall be divided, split, or subdivided unless the action meets this Ordinance and all other applicable Township Ordinances.
2. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.

Section 3.13 Roadside Stands

Roadside stands may be permitted in the AG and RR Zoning Districts subject to the following:

1. Adequate off-road parking shall be provided on the property and outside the public road right-of-way.
2. One (1) on-site sign may be permitted per street frontage and shall otherwise comply with the requirements of Section 14.03 of this Ordinance.
3. Any temporary buildings or structures placed on a site for a roadside stand shall be removed during those seasons where the roadside stand is not in use.
4. Roadside stands shall be kept in a neat and orderly condition and in good repair.

Section 3.14 Temporary Uses or Buildings

1. Upon application, and as noted below, the Zoning Administrator may issue a zoning compliance permit for the following temporary buildings or uses.
 - a. Temporary office building or construction trailer incidental and necessary to construction at the site where located.
 - b. Temporary sales office incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the construction trailer shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
2. Each permit for these uses shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same

location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.

3. Seasonal Uses

- a. The Zoning Administrator may issue a permit for the temporary sale of merchandise in the C or MUI districts related to a seasonal event. Seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- b. In considering a request for a permit, the Zoning Administrator must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine that adequate off-street parking is available to accommodate the use.
- c. Each permit shall be valid for a period of not more than forty-five (45) days within any consecutive twelve (12) month period.

4. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards and requirements of this Section are met:

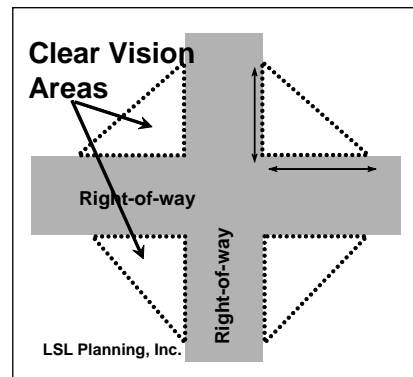
- a. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
- b. The use or structure does not adversely impact the character of the surrounding neighborhood;
- c. Access to the use area or structure is located at a safe location;
- d. Adequate parking is provided for the use.
- e. In no case shall a temporary use or structure be occupied for dwelling or lodging purposes.

5. The Zoning Administrator may, at his or her discretion, submit a request for a temporary use or building to the Planning Commission for a final decision. In making its decision, the Planning Commission shall consider the same standards as enumerated in D, above.

6. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

Section 3.15 Clear Vision Areas

- 1. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection.
- 2. On collector and arterial roads, the clear vision triangle shall be thirty-five (35) feet from the edge of the roadway. On secondary roads the clear vision triangle shall be twenty-five (25) feet from the edge of the roadway. The unobstructed corner shall mean a triangular area formed by the road edge and a line connecting them at points from the intersection of the road edge. (See graphic.)



- 3. This Section shall not prohibit the placement of shrubbery or other low-level landscaping less than thirty (30) inches in height at maturity.
- 4. No vegetation shall be maintained in any required setback area of any District, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.

Section 3.16 Setback Measurements

1. The front yard setback line shall be measured from the right-of-way line of a public or private street, to the nearest wall of the building or structure. Covered porches shall be considered part of the main building.
2. Waterfront setbacks shall be from the ordinary high-water mark to the nearest wall of the building or structure.
3. Side lot setbacks shall be measured from the property line to the nearest wall of the building or structure.
4. On corner lots, the front yard requirements shall apply to the primary front lot line only. .

Section 3.17 Height Exceptions

The height limitations contained in this Ordinance may be exceeded by up to ten (10) feet by spires, belfries, cupolas, parapet walls or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy. Unless otherwise permitted by this Ordinance, water tanks, wireless communication antennae, ventilators, chimneys, and mechanical equipment shall not extend more than seventy-five (75) feet above average grade.

Section 3.18 Health Department Approval

No permit shall be issued for the construction of a dwelling unless a permit has been issued by the Cass County Health Department for private water supply and sewage disposal facilities, or the site is served by both public water and sewer facilities.

Section 3.19 Illegal Dwellings

1. The use of any basement for dwelling purposes without proper emergency egress is prohibited in any Zoning District. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
2. It shall be lawful for guests at a lot with an existing dwelling to occupy one (1) recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding seven (7) consecutive days. The total number of days during which a recreational vehicle may be occupied under this sub-section shall not exceed fourteen (14) days in any calendar year.
3. On vacant lots, recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year.
4. A recreational vehicle or recreational equipment may be used for living purposes for longer than the time period specified in subsections (2) and (3) above if the recreational vehicle or recreational equipment is placed on a lot where a single-family residence is being constructed or reconstructed, if approved by the Zoning Administrator.
5. The provisions of this Section do not apply to campgrounds, as defined by this Ordinance.

Section 3.20 Site Condominiums

Site Condominiums shall meet the requirements of the Township's Site Condominium Development Ordinance and the following requirements

1. Site Condominiums are permitted in the RR, SFR, MDR/MFR, C, MUI and I districts only.

2. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership, pursuant to the Condominium Act 59 of 1978, which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
3. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the zoning district provided the unit meets the lot development requirements for the zoning district in which it is located.
4. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the Site Plan Review process of Chapter 13.
5. A Site Condominium may be developed with the open space option pursuant to Section 3.31 and/or as a Planned Unit Development (PUD) in pursuant to Chapter 12 of this Ordinance.

Section 3.21 Outdoor Storage in Residential Districts

1. The outdoor storage or parking of recreational vehicles in all Residential Districts shall be subject to the following minimum conditions:
 - a. Any recreational vehicle parked outside shall be located behind the required front setback.
 - b. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
 - c. Storage or parking of the vehicles shall be limited to the lot or parcel upon which the owner of the vehicle also makes his/her residence.
 - d. Commercial vehicles not associated with an agricultural operation that are over one-ton capacity shall not be stored in any district which permits single family dwellings.

Section 3.22 Keeping of Animals

1. The total number of dogs and cats permitted on a lot shall not exceed the number specified in the Cass County Dog Law Enforcement Ordinance, as amended.
2. In the A and RR districts, non-household animals may be kept without restriction, provided that such animals are kept in accordance with GAAMPs, except that:
 - a. All such land areas used by said non-household animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety and welfare.
 - b. All buildings or other structures, sheltering or housing non-household animals, shall meet setbacks required for the district in which it is located.
3. In the SFR district, up to ten chickens may be kept as an accessory use, provided that the following standards are met:
 - a. Roosters shall be prohibited.
 - b. Chickens shall be provided, and maintained within, a fully enclosed shelter located within the rear yard. Such enclosure shall be located in accord with rear setback standards for the respective districts but shall not be located closer than 25 feet from any side lot line.
 - c. Slaughtering chickens outdoors shall be prohibited.
 - d. No chickens shall be kept on parcels with more than two (2) dwellings.
 - e. At all times proper licensing and permitting shall be maintained.

4. This Section shall not prohibit the keeping of small domestic animals or livestock for supervised youth agricultural experiences sponsored by an organization that is exempt from taxation under Section 501(c)(3) of the IRS Code of 1986, or by any subsequent corresponding IRS code of the United States as amended, in any area which is zoned for residential use, on lots of one (1) or more acres.
5. The provisions of this section do not apply to farms and farm operations as defined in the Right to Farm Act (Act 93 of 1981), provided that such farms and farm operations are in compliance with adopted Generally Accepted Agricultural Management Practices (GAAMPs).

Section 3.23 Private Antenna

1. Antennas pursuant to this section shall be considered to be an accessory use.
2. Antennas shall be installed and maintained in compliance with all local, state and federal code requirements.
3. Antennas that are roof-mounted shall not extend higher than fifteen (15) feet above the highest point of the structure except a single-vertical pole antenna may extend to twenty (20) feet above the peak of the roof. Disc antennas exceeding twenty-four (24) inches in diameter shall not be permitted on the roof unless an architect or engineer registered in the State of Michigan certifies that the roof structure can support the expected structural load.
4. Not more than two (2) ground-mounted antenna not to exceed forty-five (45) feet in height shall be permitted on each lot.
5. Antennas shall be used for private, non-commercial purposes in residential areas.
6. Antennas shall be erected or maintained to the rear of the front building line, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case the antenna may be located in the side yard. Antenna towers shall not be located in any required setback area. No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.
7. Antennas may be roof or ground mounted, freestanding, or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. Ground mounted antennas shall be any antenna with its base mounted directly in the ground, even if such antenna is supported or attached to the wall of the building. Fixed guyed antenna towers shall be fascia-mounted or guyed according to approved standard. Wire antennas that are not self-supporting shall be supported by objects within the property lines but not with any front yard areas.
8. The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.
9. Installation procedures for antennas shall meet all manufacturer's specifications.
10. Whenever it is necessary to install an antenna near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard.

11. Every antenna must be adequately grounded, for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be for the type approved by the latest edition of the Electrical Code for grounding masts in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters shall be used that are approved as safe by the Underwriter's Laboratories, Inc. and both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.
12. In no instance shall an antenna be used as a sign.
13. It shall be the responsibility of the owner that the structural integrity of the antenna be maintained through periodic inspections. No addition, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the existing structure.

Section 3.24 Reserved

Section 3.25 Ponds

1. No person shall commence the excavation, dredging, or construction of a dam that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a zoning compliance permit approving the specific plans for a pond.
2. Ponds shall be set back from all property lines a minimum of fifty (50) feet, except for ponds within a Planned Unit Development.
3. Proposed ponds of less than one (1) acre in size shall be reviewed by the Zoning Administrator and shall require a site plan.
4. Ponds (or man-made lakes
5.) in excess of one (1) acre shall be reviewed by the Planning Commission considered under the site plan review process.
6. If more than 1,000 cubic yards per year of material are to be removed from a site in the creation of a pond, a special land use permit shall be required, and the standards of Section 15.43 shall apply.
7. No pond or water feature shall be constructed, used or maintained unless adequate public health measures are periodically taken to insure that the existence and/or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
8. For housing or commercial developments, groomed landscapes with ponds or water features shall not need continual chemical treatment to prevent stagnation, algae growth, mosquito infestation, swimmer's itch or other nuisance or health hazards. A biologist's assessment of pond sustainability may be required by the Planning Commission.
9. Groundwater impacts may be assessed during the site plan review process under Chapter 16.
10. Ponds shall be developed to mimic natural conditions. Ponds associated with artificial water feature like waterfalls or other manufactured landscape elements may be denied if they do not meet site plan review objectives to maintain a natural environment.
11. Applications for ponds larger than five (5) acres and/or ponds which are located within 500 feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan

Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal.

12. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells) and method of water discharge; the method of filtration and treatment of the water, if required.
13. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond to a depth of three (3) feet.
14. No pond or outlet tube shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells, as measured from the high-water mark.
15. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
16. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

Section 3.26 Noncommercial Wind Energy Conversion Systems (NWECS)

A NWECS is permitted in any zone district upon review and approval by the Zoning Administrator, provided that the following standards are met.

1. Minimum parcel size upon which the NWECS is to be located is two (2) acres.
2. Maximum height of a NWECS is one hundred (100) feet, as measured from the ground at its base to tip of the rotor blade in the upright position (e.g. when extended above the support structure). NWECS's of over one hundred (100) feet in height are subject to special land use permit.
3. Minimum setback of a NWECS shall be equal to the height of the NWECS structure.
4. For every additional NWECS on a parcel, an additional 2 acres shall be provided, however, the wind turbines may be clustered on site. Properties with more than three (3) NWECS 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 other above ground structures associated with the NWECS.
 - b. Existing and proposed setbacks of all structures located on the property in question.
 - c. Sketch elevation of the premises accurately depicting the proposed NWECS and its relationship to all structures within three hundred (300) feet.
 - d. A copy of the manufacturer's installation instruction 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 National Building Code as adopted by the Township; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
5. NWECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township. A copy of the manufacturer's installation instruction shall be provided.

6. NWECS shall be equipped with both a manual and automatic braking device capable of stopping the NWECS operation in high winds, as established by the manufacturer.
7. NWECS 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. Manufacturer's name.
 - b. Emergency phone number.
 - c. Emergency shutdown procedures.
8. NWECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination,
9. Noise emanating from the operation of NWECS shall not exceed fifty (50) decibels, as measured on the DBA scale, measured at the nearest property line.
10. The Township hereby reserves the right to inspect the premises on which a NWECS is located. If a NWECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
11. Any NWECS that is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Section 3.27 (Reserved)

Section 3.28 Essential Services

Essential services, as defined herein, may be permitted in any district. Essential services which are not expressly exempted from local government review by the Public Service Commission shall be reviewed by the Planning Commission pursuant to Chapter 13. For a proposed essential service facility to be approved by the Planning Commission, the Planning Commission shall find that the facility is designed with sufficient landscape screening to ensure that the use is suitably buffered and harmonious with the surrounding neighborhood or vicinity in terms of aesthetics, architecture or other elements. Effective barriers, such as fencing, may also be required.

Section 3.29 Change of Land Use

1. Change of use of an existing structure: When a commercial or office building has a change of use which does not require site plan review because there is no change in a building footprint or the increase in the parking requires less than 5 spaces, the new use shall comply with the following:
 - a. The previously approved site plan, should one exist.
 - b. All maintenance-related standards of this Ordinance.
 - c. Screening and landscaping requirements of this Ordinance.
2. Sites that add more than ten (10) parking spaces or reconfigure access points and parking areas shall obtain a new site plan approval.

Section 3.30 Subdivisions

Subdivisions shall meet the requirements of the Township's Subdivision Development Ordinance and the following requirements:

1. Subdivisions are permitted in the RR, SFR, MDR/MFR, C, MUI and I districts only.

2. Site Plan review shall be required for all subdivisions and site condominiums pursuant to Chapter 13 of this Ordinance. If a subdivision or site condominium is proposed to contain a land use that is considered a special land use in the district in which it is located, special land use review in approval in accordance with Chapter 15 is also required.
3. Subdivisions may be developed with the open space option pursuant to Section 3.31 and/or as a Planned Unit Development (PUD) in pursuant to Chapter 12 of this Ordinance.
4. A Subdivisions may be developed using the open space preservation option, pursuant to Section 3.31 of this Ordinance.

Section 3.31 Open Space Preservation Option

1. Land zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre, or if the land is served by a public sewer system, 3 or fewer units per acre, may be developed with the same number of dwelling units permitted on a smaller portion of the land than is required by this Ordinance.
2. A percentage of the land area, not less than 50% of the parcel, excluding a fixed percentage for street right-of-way purposes, shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.
3. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the required 50% provided in this section.
4. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
5. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes and multiplying the remaining area by the maximum dwelling unit density available for the district. Lot size may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

Section 3.32 Accessory Dwelling Units

Accessory dwelling units (ADU), as defined in Section 2.02 "A", are allowed as a permitted use in the AG and RR Districts subject to the following provisions:

- A. A maximum of one ADU is permitted per lot or parcel and must accompany a primary residence.
- B. Minimum square footage of an ADU shall be 400 square feet.
- C. The residential living area of a guest house shall not exceed the total floor area of the principal dwelling located on the property.
- D. The design of the ADU shall be compatible with the height, mass, and general design of local buildings and not detract from the general character in the immediate vicinity of the site.

- E. An existing building that is nonconforming on the effective date of this Ordinance due to building height, may be remodeled to meet the standards of an ADU.
- F. Setbacks and building height for the underlying zoning district shall apply to all new construction of ADU's.
- G. An ADU may not be located in front of the primary residence.
- H. Owners of the property may occupy as a primary residence either the principal or the accessory dwelling but must live on the parcel. For purposes of this section, the "owner" shall mean one who holds legal or beneficial title.
- I. An ADU shall not have an address which is separate from the principal dwelling.
- J. No ADU shall be separated by ownership from the principal dwelling unit unless sufficient land area and frontage is met for the underlying zoning district and the regular dwelling square footage size of the ADU is met or exceeded.
- K. In addition to parking required for the principal dwelling, sufficient additional parking spaces shall be provided for the accessory residence.
- L. Persons occupying the primary residence and an ADU must conform with Section 2.07 F. Family.
- M. The ADU shall not be rented or used for commercial or business purposes.
- N. ADU's shall comply with all Building Code requirements and Cass County Health Department regulations and permits for water and septic/sewer.

Chapter 4 – Zoning Districts and Map

Section 4.01 Zoning Districts

For the purpose of this Ordinance, Milton Township is hereby divided into seven zoning districts:

1. A - Agricultural Production District
2. RR - Rural Residential District
3. SFR – Single Family Residential District
4. MDR/MFR – Medium Density Residential/Multi-Family District
5. C - Commercial District
6. PUD – Planned Unit Development District
7. I - Industrial District

Section 4.02 Zoning Map

The locations and boundaries of the zoning districts are hereby established as shown on a map titled “Milton Township Zoning Map” which may be amended from time to time. The Milton Township Zoning map is hereby made a part of this Ordinance.

1. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Milton Township which are subject to the provisions of this Ordinance.
2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
3. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

Section 4.03 Rules for Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed as following center lines;
2. Boundaries indicated as approximately following streams, rivers or drainage ways shall be construed as following such natural features;
3. Boundaries indicated as approximately following Township or section lines shall be construed as following those boundaries;
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;

Where the application of these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.

Section 4.04 Zoning of Vacated Areas

Whenever any road, 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 road, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

Chapter 5 – A Agricultural Production District

Section 5.01 Purpose and Intent

The regulations of the “A” Agricultural Production District are intended to ensure that land areas within the 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. Further, the intent of this chapter is to preserve open space and the rural character of these areas. Subdivisions or site condominium developments, which prematurely transition agricultural and open space lands in this district are not appropriate. Isolated open space cluster developments are permitted on portions of land not well suited for agricultural production. The District also accommodates very low-density residential development and other specialized rural uses requiring large tracts of land. As an agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations, shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

Section 5.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult Day Care Family Home
- Adult Foster Care Family Home
- Buildings and Uses Accessory to Uses Permitted by Right
- Child Care Family Home
- Church
- Farms and Farm Operations
- Government Building
- Greenhouse
- Home Occupations
- Park
- Riding Stables
- Roadside Stands
- Single-family dwellings

Section 5.03 Special Land Uses

- Agricultural labor housing
- Agricultural service establishment
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Golf course or country club
- Child care group home
- Home-based business
- Kennel
- Mining operation
- Rifle range/archery Range
- Veterinary clinic
- Wind energy conversion system (commercial)
- Wireless communication antenna

Section 5.04 Dimensional Requirements

Lot, Yard, and Building Requirements for principal structures are as follows:

Lot Area	Minimum	10 acres
Minimum Lot Width		200 ft.
Minimum Front Setback		50 ft.
Minimum Side Yard Setback		50 ft.
Minimum Rear Setback		50 ft.
Maximum lot coverage		15%*
Maximum Building Height		The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio		1:4
Minimum Dwelling Unit Floor Area		576 sq. ft

* Note: the maximum lot coverage standard does not apply to buildings used for 100% agricultural purposes

Chapter 6 – RR Rural Residential District

Section 6.01 Purpose and Intent

The regulations of the RR District recognize lands that retain a relatively high proportion of open space use but, due to population growth, natural limitations, like soil characteristics and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural or extraction activities from other residential districts. Public services are not intended for this district for an indefinite period. Due to its rural character, the RR Rural Residential District permits many of the uses provided for in the Agricultural Production District.

Section 6.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult day care family home
- Adult foster care family home
- Buildings and uses accessory to uses permitted by right.
- Childcare family home
- Church
- Farms and farm operations
- Government building
- Home occupation
- Park
- Roadside stand
- Single-family dwelling

Section 6.03 Special Land Uses

- Adult day care group home
- Adult foster care small group home
- Adult foster care medium group home
- Agricultural service establishment
- Agricultural labor housing
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Cemetery
- Childcare group home
- Educational facility
- Golf course / country club
- Greenhouse
- Home based business
- Kennel
- Riding stable
- Wireless communication antenna
- Commercial wind energy conversion system

Section 6.04 Dimensional Requirements

Minimum Lot Area	2 acres
Minimum Lot Width	200 ft.
Minimum Front Setback	50 ft.
Minimum Side Yard Setback	20 ft.
Minimum Rear Setback	50 ft.
Maximum lot coverage	15%
Maximum Building Height	The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio	1:4
Minimum Dwelling Unit Floor Area	576 sq. ft

Chapter 7 – SFR Single Family Residential District

Section 7.01 Purpose and Intent

The regulations of the SFR District are intended to encourage a suitable environment for a variety of rural, low density developments, and compatible supportive recreational, institutional, and educational uses. The intent of the District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

Section 7.02 Uses Permitted by Right

- Adult day care family home
- Adult foster care family home
- Child care family home
- Church
- Home occupation
- Park
- Single-family dwelling
- Buildings and uses accessory to uses permitted by right

Section 7.03 Special Land Uses

- Adult day care group home
- Adult foster care small group home
- Adult foster care medium group home
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Child care group home
- Golf Course / Country club
- Institutional use

Section 7.04 Dimensional Requirements

Minimum Lot Area	1 acre
Minimum Lot Width	150 ft.
Minimum Front Setback	35 ft.
Minimum Side Yard Setback	15 ft.
Minimum Rear Setback	25 ft.
Maximum lot coverage	30%
Maximum Building Height	The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio	1:4
Minimum Dwelling Unit Floor Area	576 sq. ft

Chapter 8 – MDR/MFR Medium Density & Multi-Family Residential District

Section 8.01 Purpose and Intent

The regulations of the MDR district are intended to allow more suburban densities in areas that could be readily serviced by public utilities.

Section 8.02 Uses Permitted by Right

- Adult day care family home
- Adult foster care family home
- Assisted living facility
- Child care family home
- Church
- Home occupations
- Mobile Home Park
- Park
- Single-family dwelling
- Two-family dwelling
- Buildings and uses accessory to uses permitted by right

Section 8.03 Special Land Uses

- Adult day care group home
- Adult foster care small group home
- Adult foster care medium group home
- Adult foster care large group home
- Child care group home
- Governmental building
- Institutional use
- Multiple-family dwelling
- Nursing home

Section 8.04 Dimensional Requirements

Minimum Lot Area	0.75 acres without public sewer 12,000 sq ft. with public sewer
Minimum Lot Width	75 ft.
Minimum Front Setback	30 ft.
Minimum Side Yard Setback	15 ft.
Minimum Rear Setback	30 ft.
Maximum lot coverage	45%
Maximum Building Height	The lesser of 40 ft. or 3 stories
Maximum Lot Width to Depth Ratio	1:4
Minimum Dwelling Unit Floor Area	576 sq. ft

Chapter 9 – C Commercial District

Section 9.01 Purpose and Intent

The C, Commercial District is intended to provide appropriate locations to accommodate land uses meeting the convenience and service business needs of the residents of Milton Township. The District is not intended to provide regional shopping opportunities but rather to be limited in design, scope and size for community-based businesses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed.

Section 9.02 Uses Permitted by Right

- Art studio
- Child care center
- Church
- Financial institution
- Government building
- Hotel or motel
- Institutional uses
- Medical clinic
- Nursing home
- Personal service establishment
- Professional office
- Restaurant
- Retail store
- Shopping Center
- Theater
- Veterinary clinic
- Buildings and uses accessory to uses permitted by right

Section 9.03 Special Land Uses

- Automobile sales facility
- Automobile repair facility
- Funeral home
- Car wash
- Contractor's yard
- Club or lodge
- Dwelling, two-family
- Gas station
- Indoor recreation facility
- Kennel
- Mini/self-storage
- Open air business
- Waste disposal facility

Section 9.04 Dimensional Requirements

Minimum Lot Area		1 acre.
Minimum Lot Width		200 ft.
Maximum Width-to-Depth Ratio		1:4
Maximum Lot Coverage		65%
Minimum Front Yard		50 ft.
Minimum Side Yard	Side yard adjacent to Commercial District	15 ft.
	Side yard adjacent to Residential or Agricultural District	30 ft.
Minimum Rear Yard		20 ft.
Maximum Height		35 ft.

1. Where principal buildings are adjacent to other commercial uses, minimum side yard requirements may be reduced, provided that:
 - a. Such reduction is approved by the Planning Commission.
 - b. The building has an approved fire rating for zero-lot line development under the building code.
 - c. The building has adequate fire access according to fire code requirements.
 - d. The side yard that is reduced is not adjacent to a street or lot line of a property in a residential or agricultural zoning district.
 - e. A maintenance access easement among properties is approved by the Township and recorded with the County Register of Deeds.
2. Design Standards. All commercial uses shall comply with the following architectural guidelines:
 - a. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
 - b. The first floor wall(s) of commercial buildings that face a road shall be at least thirty percent (30%) clear glass.
 - c. Flat roofs shall be enclosed by parapets.
 - d. Non-window areas of wall on all but the rear of the building shall be at least fifty percent (50%) of the following materials:
 - 1) Brick.
 - 2) Decorative concrete block.
 - 3) Vinyl or wood siding.
 - 4) Cut or simulated stone.
 - 5) Logs.
 - 6) Other materials approved as part of the site plan.

Chapter 10 – Reserved

Chapter 11 – I Industrial District

Section 11.01 Purpose and Intent

The regulations of this District are intended primarily for industrial uses which do not generate hazardous materials. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials.

Section 11.02 Uses Permitted by Right

- Automobile sales facility
- Car wash
- Contractor’s yard
- Church
- Gas station
- Indoor recreation facility
- Laboratory
- Lumberyard
- Manufacturing and processing
- Mini/self-storage
- Professional office
- Towing service
- Wholesale or distribution facility
- Buildings and Uses Accessory to Uses Permitted by Right

Section 11.03 Special Land Uses

- Automobile repair facility
- Adult Uses
- Waste disposal facility

Section 11.04 Dimensional Requirements

Minimum Lot Requirements	Area		5 acres
	Width		350 ft.
	Maximum Width to depth ratio		1:4
	Maximum Coverage		75%
Minimum Setback Requirements	Front		75 ft.
	Side	One side	40 ft.
		Total 2 sides	80 ft.
		Adjacent to Residential District	100 ft.
	Rear	Adjacent to Residential District	100 ft.
		In all other cases	25 feet
Building Requirements	Maximum Height		35 ft. or two stories in height, whichever is less.

Chapter 12 – Planned Unit Development (PUD) District

Section 12.01 Description and Intent

The intent of the PUD District is to permit coordinated development on larger sites in order to achieve most or all of the following:

1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
2. Provide the opportunity to mix compatible uses or residential types.
3. Allow clustering of development to preserve common open space, or significant natural features.
4. Keep open spaces close to and contained within developed areas.
5. Ensure compatibility of design and function between neighboring properties.
6. Promote efficient provision of public services facilities.
7. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
8. Provide complete non-motorized circulation to, from within and between developments.
9. Provide adequate housing and employment opportunities.
10. Encourage development of convenient, useful recreational facilities as an integral part of residential developments.
11. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
12. Encourage development that is consistent with the goals stated within the Milton Township Master Plan.

These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township after considering the intent of this Chapter, assures a superior quality of development. If this improved quality is not determined by the Township to be present after the Township has reviewed the development and the intent of this Chapter, the site shall not qualify for the modifications allowable under this Chapter.

Section 12.02 Eligibility Criteria

1. A parcel proposed to be developed as a Planned Unit Development shall have an area of at least five (5) acres.
2. Demonstrated Benefit: The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
 - a. Preservation of significant natural or historic features.
 - b. Preservation of agricultural lands and rural character.
 - c. A complementary design with the natural setting of the land.

- d. Common, usable open space for passive or active recreational use.
 - e. Sustainable Design Features
3. Unified Control of Property: Land owners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township’s attorney, that indicates their agreement with the application for the PUD.

Section 12.03 Types of PUDs

1. A property meeting the eligibility criteria may be rezoned to a PUD District based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.
2. The Township Board, after recommendation from the Planning Commission, shall establish a list of permitted uses as part of the PUD agreement (as required in Section 12.13), based upon the provisions of the following table and this Chapter.
3. Final Planned Unit Development approval is a process that shall occur after the rezoning which includes, but is not limited to, detailed site plan review and approval, detailed utility, street and storm water plans and specifications, development agreements and performance guarantees.

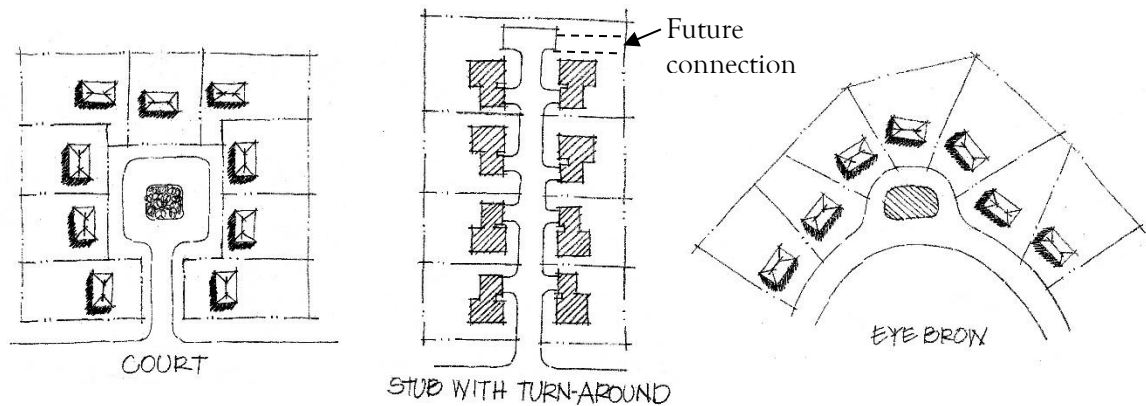
PUD DESCRIPTIONS				
PUD District	Minimum Size	Locations Allowed (underlying zoning)	Permitted Uses	Open Space Required
Open Space Cluster PUD (O-PUD) See Sec. 12.04	40 acres	RR	Permitted uses in the district with an open space cluster design.	40%
Residential (R-PUD) See Sec. 12.05	10 acres	RR, SFR or MDR	Permitted and Special Land Uses in the current district.	30%

4. Density determination for all PUDs: The maximum base density and number of dwelling units permitted in a planned unit development shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
- a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
 - b. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a principal building, septic and well systems (where no public sanitary sewer or water system is available), and required streets and driveways.
 - c. Areas of wetlands, storm water control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Planning Commission deems appropriate.

5. Access and Open Space Standards.

a. Dead-end or cul-de-sac streets serving the development are discouraged. Eyebrow, court, or stub streets are preferred (see below).



b. Entryways to PUDS shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.

c. Where adjoining areas are not subdivided, the arrangement of streets or trails within the proposed PUD shall be extended to the boundary line of the project to make provision for the future projection of streets or trails into adjoining areas.

d. Street systems shall be designed so that their curvature or alignment produces 'terminal vistas' (the landscape element that is visible at the end of a street, or along the outside edge of a curve, where the view is focused or ends). The terminal vista shall consist of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one side of the road.

e. The Planning Commission may recommend and Township Board requires the development to provide such amenities as bus stops or bus turn-outs.

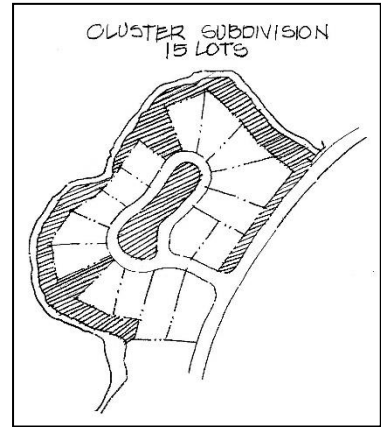
f. Open space areas must adhere to the standards of Section 12.07.

Section 12.04 Open Space Cluster (O-PUD) Standards

1. Intent: The purpose of the Open Space PUD is to promote the continuation of a rural land use character, protection of natural features, and preservation of active agricultural lands through clustering dwelling units rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the Township

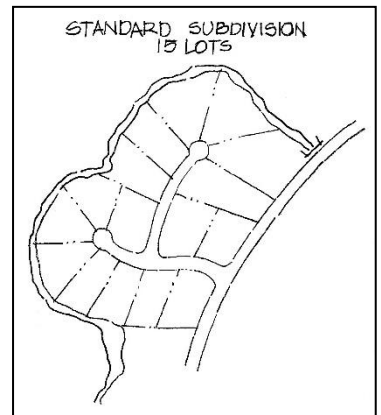
as a whole. These regulations are also intended to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be altered from their natural or undeveloped condition.

2. Housing Types: All dwelling units shall be single-family detached housing.
3. Dimensional standards: In no case shall an individual lot or site condominium be less than one (1) acre.
4. Uses: The O-PUD may include agricultural crops, golf courses, churches, stables, and private airports. In no case, however, shall a golf course be considered part of the required open space. Special Land Uses must follow the procedures of Chapter 13. The list of allowed uses shall be established in the PUD agreement.
5. Specific Design Standards:



Sample comparison;

- a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should range from 10-15 units per cluster for smaller developments (up to 50 total units) and 15-20 units for larger developments (50 or more total units).
- b. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or natural open space buffers where appropriate.



- c. Development Setback.
 - 1) Any proposed building lot shall be located at least two hundred (200) feet from any public street right-of-way.
 - 2) The Planning Commission may require that the native or natural vegetation shall be protected in the (200) foot setback.
 - 3) Upon recommendation by the Planning Commission, the Township Board may reduce this setback to not less than one hundred (100) feet if existing landscaping or natural topography provides a natural screen that substantially blocks the view to the proposed development.
 - 4) Upon recommendation by the Planning Commission, the Township Board may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the O-PUD from the adjacent street. This landscaping may consist of existing vegetation, natural land forms, or landscaped areas using native or natural materials, or a combination thereof.
 - 5) O-PUD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen.

Section 12.05 Residential PUD (R-PUD) Standards

1. Intent: The purpose of the R-PUD is to promote neighborhood development that provides a variety of single-family housing.
2. Dimensional Standards: To encourage flexibility and creativity consistent with the intent of the R-PUD, the Township Board, after recommendation from the Planning Commission, shall determine appropriate lot dimensions and building heights and setbacks, subject to the following:
 - a. The overall lot dimensions and setbacks shall not be less than thirty percent (30%) of the Zoning District that the use(s) would be placed in without a PUD except that zero-lot line may be permitted on one (1) side lot line.
 - b. The height restrictions for any use shall not be increased by more than twenty-five percent (25%).
3. Design Standards:
 - a. Entryways to PUDs shall be designed consistent with the rural, natural character of the surrounding area.
 - b. Where adjoining areas are not subdivided, the arrangement of streets or trails within the proposed PUD shall be extended to the boundary line of the project to make provision for the future projection of streets, sewers or trails into adjoining areas.
 - c. Pedestrian accommodations shall be made throughout the development and across the frontage of the development in the form of trails.
4. Uses: The list of specific uses and total number of dwelling units permitted in the development shall be established in the PUD agreement. However, R-PUDS shall not contain a building with more than eight (8) dwelling units. A minimum of seventy five (75%) of the dwelling units shall be single family. The development shall adhere to the building design criteria of the district.

Section 12.06 Reserved

Section 12.07 Density Bonus

The Township Board, after recommendation by the Planning Commission, may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of a PUD. In no case shall the density bonus total more than twenty percent (20%) of the density determined by the parallel plan.

Amenity	Additional lots permitted
Preservation of wetlands	5%
10% Additional open space provided	5%
Sustainable development	10%
Trails throughout the development and a playground provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%

Section 12.08 Open Space Standards for All PUDs

1. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land,

a conservation easement or land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall be review by the Planning Commission and forwarded to the Township Board for approval, upon subsequent approval by the Township Board shall not diminish compliance with the requirements of this Chapter.

2. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, active recreation, visual quality and access.
3. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
4. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
5. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
 - a. Area proposed as single family residential lots.
 - b. Residential yards or required setback areas for any use.
 - c. The area of any road right-of-way or private road easement.
 - d. Surface water in detention or retention basins (unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space).
6. Parking and loading areas, except those exclusively associated with a recreation facility or common open space areas.
7. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section.
8. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
 - a. Any significant natural features.
 - b. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
9. Open space, except for where trails and bike paths are located, shall have minimum dimension of one hundred (100) feet by one hundred (100) feet.
10. Where an open space preservation development abuts a pond, lake or river, at least thirty percent (30%) of the shoreline frontage, as well as reasonable access to it, shall be a part of the common open space land.
11. A minimum twenty-five (25) foot wide undisturbed open space setback (which shall not be included as part of an individual yard) shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

12. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space, public land or existing or planned bike paths. Trails between adjoining open space development, public land or existing or planned bike paths shall be constructed to allow future interconnection between developments.
13. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:
 - a. Dumping or storing of any material or refuse.
 - b. Activity that may cause risk of soil loss.
 - c. Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation, maintenance of trails or elimination of noxious species.
 - d. Use of motorized off road vehicles.
 - e. Cutting, filling or removal of vegetation from wetland areas.
 - f. Use of pesticides, herbicides, or fertilizers either within or adjacent to (within 100 feet of) water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
 - g. Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
 - h. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained, or is determined by the Township Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.

Section 12.09 PUD Review Process

1. Pre-Application Meeting:
 - a. An applicant desiring to submit an application for a Planned Unit Development may attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
 - b. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
 - c. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting may be forwarded to the Planning Commission.
 - d. The Planning Commission may seek review assistance as they deem necessary. The applicant shall be responsible for fees incurred by the township for review assistance in addition to a submittal fee.
2. The Planning Commission shall not take formal action at this level but rather provide input to the developer.
3. Formal Application: The applicant shall prepare and submit to the Township a request for rezoning to the appropriate PUD designation, including twelve (12) copies of a parallel plan and preliminary PUD site plan meeting the requirements of Site Plan Review submittals including a complete

application with associated fees and narrative which details how the plan relates to the intent of the PUD district, phases of development, and approximate timeframes for each phase.

4. Planning Commission Public Hearing: The Planning Commission shall review the PUD rezoning request, the conceptual PUD site plan, and conduct a public hearing. Notice of the hearing shall be provided in accordance with Section 18.07 of this Ordinance.
5. Planning Commission Recommendation: The Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from Township staff, and other comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.

The recommendation to the Township Board shall be based on the following standards:

- a. The PUD shall satisfy the Intent of Section 12.01, the Eligibility Criteria of Section 12.02 and the site plan review standards of Chapter 13.
- b. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture should not be redundant or monotonous.
- c. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.
- d. The proposed type and density of use shall not exceed the Township's ability to provide adequate public services, including public facilities.
- e. The design of the PUD shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.
- f. Natural features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those alterations to the topography, which are reasonably necessary to develop the site. The use of man-made berms and fencing as a screening device around the perimeter of a PUD is not desired.
- g. Natural drainage ways shall be preserved insofar as practical, by minimizing grading, and tree and soil removal in and adjacent to natural drainage swales.
- h. Slopes of over fifteen percent (15%) are protected and maintained in a natural state.
- i. The proposed PUD shall provide greater protection of and less adverse impact on the quality of the natural features in comparison to the impacts associated with a conventional development.
- j. The proposed development shall not have an adverse impact on future development as proposed in the Master Plan of the Township.
- k. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
- l. The proposed development shall adequately consider pedestrian, equine and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties.
- m. When proposed construction is to be phased, the project shall be designed in a manner that allows a 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 users of the open space and the residents of the surrounding area.

6. Township Board Decision: Following receipt of the Planning Commission's recommendation, the preliminary PUD site plan shall be considered by the Township Board. The Township Board shall hold a public hearing on the request, and notice of the public hearing shall be given in accordance with Section 18.07 of this Ordinance. The Township Board shall take one (1) of the following actions on the request:
 - a. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PUD plan, or direct the Township staff or consultants to conduct additional analysis. The application shall not be removed from the table until the conditions causing its tabling have been satisfied.
 - b. If the Township Board, during its review process, believes there is new information that might modify the recommendation of the Planning Commission, the application shall be returned to the Planning Commission with the new information for its reconsideration.
 - c. Approval or Approval with Conditions:
 - 1) Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board shall approve the preliminary PUD site plan.
 - 2) The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PUD site plan that demonstrates compliance with the conditions.
 - 3) The Township Board may require the creation of a special assessment district prior to final PUD approval to facilitate such things as but not limited to, road improvements, public water or sewer and storm water management.
 - 4) Approval of the preliminary PUD plan shall constitute approval of the rezoning and the Zoning Map shall be changed to indicate the zoning of the property as the appropriate PUD District.
 - 5) Approvals may include a performance bond or similar guarantee under Section 18.05 in order to ensure the completion of required improvements or the protection of significant natural features.
 - d. Denial: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance or other applicable ordinances or laws, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application. Re-submittal of a denied application shall be considered a new application.

Section 12.10 Final Approval

1. Final site plans shall be submitted to the Planning Commission for review and approval in accordance with the Site Plan Review provisions of the Ordinance. If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the approval of the Development Agreement, the right to develop under the approved PUD preliminary site plan shall terminate and a new application must then be filed and processed.

2. In reviewing final site plans, the following standards and requirements shall apply, in addition to those of Section 12.08 (6).
 - a. Final site plans shall be in substantial conformance with the approved PUD preliminary plan.
 - b. Each final site plan shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Chapter and the approved PUD preliminary plan regarding layout, density, open space and land use.
 - c. Each final site plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
 - d. Any amendment to the development agreement referenced in Section 10.10 which is requested by the developer shall be submitted for review by the Township Attorney and shall be subject to the approval of the Township Board.

Section 12.11 Extensions

The two (2) year period for preliminary PUD approval may be extended for up to one (1) additional year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.

Section 12.12 Revisions to Approved PUD Plans

1. Approval of the preliminary PUD plan and final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
2. Within fourteen (14) days of receipt of a request to amend the site plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
3. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the development agreement referenced in Section 12.11, would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing.
4. The Zoning Administrator shall consider Section 13.06(2) when determining a change to be minor.
5. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan; a revised preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require resubmission of a new preliminary PUD Plan.

Section 12.13 Development Agreement

1. After receiving final PUD approval but prior to any site preparation or the issuance of any building permits, the applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township. The Agreement, after review by the Planning

Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the Cass County Register of Deeds.

2. At a minimum, the Agreement shall provide:
 - a. A certified boundary survey of the acreage comprising the proposed development.
 - b. The manner of ownership of the developed land and the manner of the ownership and of dedication common areas in additions to a mechanism to protect any designated common open areas.
 - c. Satisfactory provisions to provide a performance guarantee for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development.
 - d. Provisions to ensure adequate protection of natural features.
 - e. A copy of the approved preliminary PUD site plan signed by the applicant and the township supervisor or appointed designee.

Section 12.14 Performance Guarantees

The Township Board may require a performance guarantee in accordance with Section 18.05 to ensure compliance with the approved planned unit development.

Section 12.15 Appeals

PUD decisions granting or denying a proposal or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan, does not violate any condition of PUD approval, and otherwise meets the applicable review standards applicable to variances in this Ordinance.

Chapter 13 – Site Plan Review

Section 13.01 Purpose

The purpose of this Chapter is to provide for consultation and cooperation between the applicant, Zoning Administrator and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing adjacent and future land uses, rural character, and the natural environment.

Section 13.02 Site Plans Reviewed

In accordance with the provisions of this Chapter, a Site Plan Review by the Planning Commission shall be required prior to the establishment of a new use or the erection of a building in the Districts and conditions cited below:

1. Staff approval: The following uses shall be reviewed by the Zoning Administrator:
 - a. One family detached dwellings (except as may be provided in a site condominium development).
 - b. Agricultural uses.
 - c. A change of use to another use permitted by right that does not result in the change in the building footprint for an equal or lesser use. Further, site plan review and approval shall not be required if the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.
 - d. Family day care and foster care facilities.
 - e. Accessory buildings and uses.
2. Planning Commission approval: Site plan review by the Planning Commission is required for the following uses:
 - a. All uses permitted in the C - Commercial and I - Industrial districts
 - b. Special Land Uses in all zoning districts
 - c. Site condominiums in any District
 - d. Planned Unit Developments
 - e. Grading, excavation, filling, soil removal, creation of ponds or tree clearing of (cumulatively) over one (1) acre.
 - f. A change of use in an existing facility that is more intense than the previous use.

Section 13.03 Optional Preliminary Site Plan Review

1. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- a. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - b. Legal description, property parcel number, and street address of the subject parcel of land.
 - c. Sketch plans showing tentative site and development plans.
2. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

Section 13.04 Final Site Plan Review Application

A request for site plan review shall be made at least twenty-one (21) days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator an application for site plan review, which shall consist of the following:

1. A completed application form, as provided by the Township.
2. Payment of a fee and any required escrow deposits, in accordance with a fee schedule as determined by the Township Board.
3. A legal description of the subject property.
4. A general location sketch showing at minimum, properties, streets and use of land within 1/2 mile of the area.
5. Twelve (12) copies of the site plan a scale of not more than one (1) inch equals one hundred (100) feet, prepared by a registered professional architect, landscape architect, engineer, or surveyor, containing the following:
 - a. Legal description of the subject property.
 - b. The date, north arrow, and scale.
 - c. Name and address of the property owner or petitioner.
 - d. Name and address and professional seal of the person and/or firm who drafted the plan and the date on which the plan was prepared.
 - e. Existing zoning and use of all properties abutting the subject property.
 - f. All buildings, parking and driveways within 100 feet of all property lines.
 - g. A project narrative, shown on the site plan or submitted separately, describing in general terms:
 - 1) The overall objectives of the proposed development.
 - 2) Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
 - 3) Dwelling unit densities by type, if applicable.
 - 4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - 5) Proposed method of providing storm drainage.
 - h. Property lines and approximate dimensions, and required setbacks.

- i. Existing adjacent streets and proposed streets.
 - j. Parking lots and access points.
 - k. Proposed buffer strips, screening and proposed landscaping in accordance with Section 14.05 of this Ordinance.
 - l. Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.
 - m. Location of any signs not attached to the building(s).
 - n. General topographical features at contour intervals no greater than 5 feet.
 - o. Existing and proposed uses, buildings and structures.
 - p. Size and location of existing and proposed utilities, including any proposed connections to public or private community sewer or water supply systems.
 - q. All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks or trails, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.
 - r. Location and size of all surface water drainage facilities with storm water calculations.
 - s. Location of all solid waste disposal facilities, including recycling, and screening.
 - t. Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
 - u. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
 - v. Exterior lighting showing area of illumination and indicating the type and height of fixture to be used.
 - w. Elevation drawings of proposed buildings.
6. Additional Information. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, traffic studies, impacts on significant natural features, groundwater and drainage, soil tests and other pertinent information.
7. Modification of Requirements: The Zoning Administrator or Planning Commission may waive the submission of materials outlined in this Section if such materials are determined to be not pertinent to the application.

Section 13.05 Review Procedure

1. Upon receiving the application material required in Section 13.04, the Zoning Administrator shall review the packet for completeness. If deemed complete the Zoning Administrator shall put the request on the agenda of the next regular Planning Commission meeting. Applications that are deemed incomplete shall be returned to the applicant.
2. The Planning Commission may hold a public hearing on a proposed site plan, though it is not required. If a public hearing is conducted, notice shall be provided in accordance with Section 18.07.

3. The Planning Commission shall review the site plan and either approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
4. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
5. If approved, two (2) copies of the final approved site plan shall be signed and dated by the Planning Commission Chairperson or designee and the applicant. The Township shall keep one (1) of these approved copies on file, one (1) shall be returned to the applicant or his designated representative. A digital copy of an “as built” plan shall also be provided to the township following project completion.

If the site plan is denied by the Planning Commission, the reasons for such denial shall be provided in writing to the applicant.

6. Each development approved pursuant to this Chapter shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
 - a. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan. The Planning Commission may require a performance guarantee as part of the extension.
 - b. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - c. If neither of the above provisions are fulfilled in the one (1) year extension of site plan then approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.

Section 13.06 Changes to an Approved Site Plan

1. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
2. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of this Ordinance and the intent of the design and will not alter the basic design or any specified conditions imposed as part of the original approval. A revised site plan shall be submitted which reflect the approved changes. Minor changes shall include the following:
 - a. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend outside a designated building envelope, or into any required open space or required setback.
 - b. Gross floor area of nonresidential buildings may be decreased or increased by up to ten percent (10%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the building does not extend into any required open space or required setback.
 - c. Floor plans may be changed if consistent with the character of the use.
 - d. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.

- e. Height of buildings may be lowered.
 - f. Designated woodlands or areas not to be disturbed may be increased.
 - g. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper-per-caliper basis on the site. For example, if a 12-inch diameter tree is lost during the construction process, six (6) trees, which are two (2) inches in diameter, could be planted to replace the single 12-inch tree.
 - h. Improvements or slight redesign of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.
 - i. Changes of building materials to another of higher quality, or a slight change in exterior material, as determined by the Building Official.
 - j. Grade change of up to one (1) foot, after review by the Township consulting engineer.
 - k. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved plan.
 - l. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 - m. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan, and when it would not extend into any required open space or required setback.
 - n. Changes required or requested by the Township, County or State for safety reasons.
3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, he may refer the minor change to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

Section 13.07 Review Standards

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

1. General Site Development Standards
 - a. The uses proposed will not adversely affect the public health, safety, or welfare.
 - b. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - c. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.

- d. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character to the greatest extent feasible. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
- e. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- f. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 14.04.
- g. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened.
- h. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted.
- i. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained.

2. Vehicular and Pedestrian Standards

- a. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The Planning Commission may also require such things as road or pathway cross-connections between developments, shared drives, deceleration lanes or traffic calming measures as part of site plan review.
- b. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. All streets and driveways shall be developed in accordance with of this Ordinance and other local, state, or federal requirements.
- c. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary.
- d. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee.
- e. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate.

3. Environmental and Natural Features Standards

- a. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be

- preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- b. Significant vegetation slated for protection shall be marked on site to prevent their damage during construction.
 - c. Utilities shall be provided underground.
 - d. The edges of parking lots may be required to have curb stops or curbing to prevent encroachment upon landscape areas.
 - e. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
 - f. Storm water drainage design shall recognize existing natural drainage patterns. Storm water removal shall not adversely affect neighboring properties.
 - g. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
 - h. Provisions shall be made to accommodate storm water on-site wherever practical. Direct discharge of storm water into natural surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - 1) Pretreat storm water
 - 2) Limit land disturbance and grading.
 - 3) Maintain vegetated buffers and significant vegetation.
 - 4) Minimize impervious surfaces.
 - 5) Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - 6) Use of infiltration devices.

Section 13.08 Site Plan Approvals

1. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
2. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Michigan Zoning Enabling Act, as amended.
3. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
4. The approvals of other agencies, including but not limited to the Michigan Department of Transportation, the County Drain Commission, County Road Commission and Michigan Department of Natural Resources may be accommodated as part of a conditional approval by the Township. If, however, input from another review agency substantially changes the layout of a site, the new site plan may have to be reviewed again by the Planning Commission.

5. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
6. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.
7. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The Building Official shall also be notified to withhold permits until a new site plan is approved.

Section 13.09 Performance Guarantees

The Planning Commission and Zoning Administrator may require a performance guarantee in accordance with Section 18.05 to ensure compliance with the approved site plan.

Section 13.10 Appeals

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Chapter 17, within fourteen (14) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing at which all interested parties shall be afforded the opportunity to be heard. After the hearing, the Zoning Board of Appeals shall be limited to reviewing the record of actions relating to site plan review and shall affirm or reverse the action of the Zoning Administrator or Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

Chapter 14 – Site Development Requirements

Section 14.01 Parking Requirements

1. Parking - General

- a. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere, in compliance with the Ordinance.
- b. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- c. Parking and pavement (other than access drives) shall be set back a minimum of ten (10) feet from the road right-of-way.
- d. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - 1) Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - 2) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
 - 3) All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.

2. Maximum Parking Requirement

- a. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Parking Requirements as required in this Chapter, except as may be approved by the Planning Commission.
- b. The Planning Commission, upon application, may grant additional spaces beyond those permitted in a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.

3. Shared Parking Areas

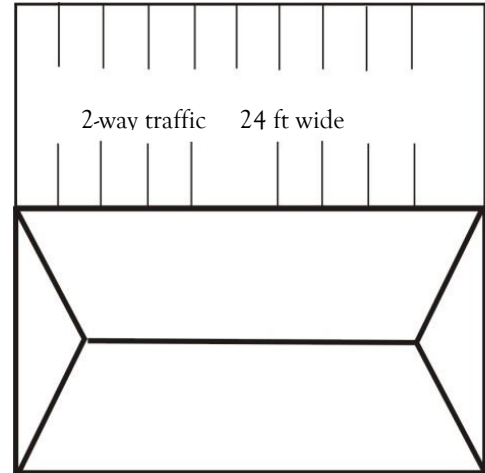
- a. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
- b. Required parking shall be calculated from the use that requires the greatest number of spaces.
- c. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

4. Off-Street Parking Lot Construction and Design Requirements

- a. Parking spaces shall be a minimum of nine (9) by eighteen (18) feet.
- b. All spaces shall be provided adequate access by means of maneuvering aisles.
- c. The construction of parking spaces that require a vehicle to back from a parking space directly onto a street is prohibited.
- d. The outdoor storage of merchandise; motor vehicles for sale; trucks or equipment; wrecked, junked or unlicensed vehicles; or the repair of vehicles in areas designated for parking, including the maneuvering lane, is prohibited.

5. Parking Lot Access

- a. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- b. Ingress and egress to and from a parking lot located in a Nonresidential District shall not be across land zoned in a Residential District or land used for residential purposes.
- c. Access drives and maneuvering lanes shall be a minimum of twelve (12) feet in width for one-way traffic and twenty four (24) feet in width for two-way traffic.



6. Construction Requirements

- a. For uses needing more than ten (10) parking spaces, the entire parking area, including parking spaces and maneuvering lanes, shall be paved with asphalt, concrete, or similar material deemed acceptable by the Planning Commission. The Planning Commission may permit gravel or slag lots in rural settings or lots as overflow parking, storage yards and truck transport lots or intermittent special event parking.
- b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply in which case a performance guarantee, which ensures that paving occurs by a specified time the following season, is provided.
- c. Off-street parking areas shall be drained so as to dispose of stormwater at least four (4) feet from the edge of a property line, trail or sidewalk.
- d. All surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Sunken landscape islands and rain gardens are preferred as a means to avoid large detention basins.
- e. All parking spaces shall be striped with paint or other approved material, at least four (4) inches in width. The striping shall be maintained and clearly visible.
- f. Bumper stops or curbing may be required to keep vehicles from encroaching on property lines. Bumper stops shall be secured to prevent their movement.
- g. Frontage and internal sidewalks or trails may be required by the Planning Commission as part of site plan review.

- h. The off-street parking area shall be provided with lighting, landscaping and screening as required in this Chapter.

7. Off-Street Parking Requirements

- a. Parking space requirements for specific uses are found in Section 14.01(9) of this Chapter.
- b. When units or measurements determining the number of required parking or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded, and fractions over one-half (½) shall require one (1) parking space.
- c. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of parking spaces that must be provided.

8. Stacking Spaces

- a. Certain uses, such as those containing drive-through facilities, are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
- b. Each stacking space shall be shown on a site plan.
- c. Each stacking space shall have a minimum dimension shown of twenty-two (22) feet in length by ten (10) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
- d. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
- e. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack out into any adjacent public or private street.
- f. The following minimum stacking spaces shall be provided for the uses noted:

Use	Required Stacking Spaces
ATM stations	4 spaces per ATM
Bank or pharmaceutical drive-through windows	4 spaces per service lane
Nurseries/Day Care	5 spaces
Fast food / restaurant drive-through	5 spaces

9. Minimum Parking Requirements. The number of parking spaces required on a site shall be determined based on the requirements below. The minimum requirements below may be adjusted as permitted elsewhere in this Chapter. Where the requirements indicate a certain number of spaces “per employee,” it shall mean the total number of employees working in the largest shift. Where the requirements indicate that the applicant demonstrate parking demand, the applicant shall submit a narrative or analysis that clearly relates the proposed number of parking spaces to actual projected demand; however, the Zoning Administrator and/or Planning Commission may consult technical publications from entities such as the Institute of Transportation Engineers to determine required parking to evaluate and confirm any such parking demand projection.

Use	Minimum Parking Requirement
Adult day care family home	Applicant shall demonstrate parking demand
Adult day care group homes	Applicant shall demonstrate parking demand
Adult foster care family home	Applicant shall demonstrate parking demand
Adult foster care medium group homes	Applicant shall demonstrate parking demand
Adult foster care small group homes	Applicant shall demonstrate parking demand
Adult uses	Applicant shall demonstrate parking demand
Agricultural labor housing	Applicant shall demonstrate parking demand
Agricultural service establishment	Applicant shall demonstrate parking demand
Art studio	Applicant shall demonstrate parking demand
Assembly operation	1 space per employee plus 1 space per 2,000 square feet usable floor area
Assisted living facility	1 space per 2 dwelling units or bedrooms
Automobile repair facility	Space per employee plus 2 spaces per service bay
Automobile sales facility	Applicant shall demonstrate parking demand
Bed and breakfast establishment	2 spaces for principal dwelling use plus 1 space per rental room
Campground	2 spaces on each campsite plus 1 space per 5 campsites
Car wash	3 stacking spaces per bay plus 1 space per 350 square feet of retail/office space
Cemetery	Applicant shall demonstrate parking demand
Child care center	1 space per employee plus 1 space per 4 persons cared for
Child care family home	Applicant shall demonstrate parking demand
Child care group home	Applicant shall demonstrate parking demand
Church	1 space per 4 units of legal capacity in main worship room
Club or lodge	Applicant shall demonstrate parking demand
Commercial wind energy conversion system	Applicant shall demonstrate parking demand

Use	Minimum Parking Requirement
Contractor's yard	1 space per employee plus 1 space per 500 square feet of retail or showroom space
Educational facility	1 space per employee plus 1 space per classroom plus 1 space per 4 seats of seating capacity in a gymnasium or auditorium
Farms and Farm Operations	Applicant shall demonstrate parking demand
Financial institution	1 space per employee plus 1 space per 2,000 square feet usable floor area
Food processing facility	1 space per employee plus 1 space per 200 square feet usable floor area
Funeral home	1 space per employee plus 1 space per 4 units of legal capacity
Gas station	1 space per 150 square feet dedicated to retail activity plus 1 space at each fuel pump plus 1 stacking space per fuel pump
Golf course / country club	Applicant shall demonstrate parking demand
Government building	Applicant shall demonstrate parking demand
Greenhouse/nursery	Applicant shall demonstrate parking demand
Group day care home	Applicant shall demonstrate parking demand
Gun range	Applicant shall demonstrate parking demand
Home based business	Applicant shall demonstrate parking demand
Home occupations	Applicant shall demonstrate parking demand
Hotel or motel	1 per room plus one per employee, plus additional spaces as required for restaurants, convention spaces or similar accessory uses.
Indoor Recreation facility	Applicant shall demonstrate parking demand
Institutional uses	1 space per 400 square feet usable floor area
Kennel	1 space per employee plus 1 space per 400 square feet usable floor area
Laboratory	Applicant shall demonstrate parking demand
Lumberyard	Applicant shall demonstrate parking demand
Manufacturing and processing	1 space per 400 square feet usable floor area
Medical clinic	1 per employee plus one per examination room or each two beds
Mini/self-storage	Applicant shall demonstrate parking demand
Mining	Applicant shall demonstrate parking demand
Mixed use development	60% of the total combined minimum requirement for all uses in the development
Multiple family dwellings	2 per dwelling unit

Use	Minimum Parking Requirement
Municipal and public service activities	Applicant shall demonstrate parking demand
Nursing home	1 per each 2 rooms, plus a minimum 10 visitor spaces
Personal service establishment	1 space per 400 square feet usable floor area
Professional office	1 space per 400 square feet usable floor area
Restaurant	1 space per 3 units of legal capacity
Retail store	1 space per 300 square feet usable floor area
Riding stables	Applicant shall demonstrate parking demand
Roadside stands	Applicant shall demonstrate parking demand
Single-family dwellings	2 per dwelling unit
Theater	1 space per 3 units of legal capacity
Towing service	Applicant shall demonstrate parking demand
Veterinary clinic	1 space per employee plus 1 space per examination room
Wholesale or distribution facility	1 space per employee plus 1 space per 2,000 square feet usable floor area
Wind energy conversion system (commercial)	Applicant shall demonstrate parking demand
Wireless communication antenna	Applicant shall demonstrate parking demand

Section 14.02 Loading Requirements

1. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same lot with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
2. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours.
3. At least one (1) loading space per commercial or service establishment shall be provided for commercial and industrial uses in addition and separate from to any required off-street parking area. Required spaces shall be provided in the side or rear yard.

GFA (sq. ft.)	Loading and Unloading Spaces Required
0 - 1,400	None
1,401- 20,000	1 space

Section 14.03 Signs

1. Definitions

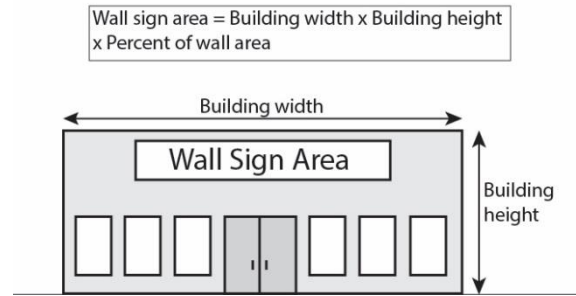
- a. Animated Or Moving Sign: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
- b. Banner Sign: A sign constructed of cloth, fabric or other light temporary material with or without a structural frame, to be used for a limited period of display not to exceed thirty (30) days nor used for commercial purposes, including decoration displays for festivals or public demonstrations.
- c. Billboard: A freestanding sign that advertises or directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered other than on the premises on which the sign is located.
- d. Directional Sign: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance” and “exit”.
- e. Electronic Message Board: A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.
- f. Freestanding Sign: A sign structurally separated from a building and either supported by one or more poles or braces, or attached directly to the ground.
- g. Ground Sign: A freestanding sign supported by short supporting uprights, or braces, or some other base or object in or upon the ground and no portion of which exceeds ten (10) feet above the average grade at the supports/base.
- h. Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall.
- i. Portable Sign: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
- j. Pylon Sign: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- k. Projecting Sign: A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
- l. Roof Sign: A sign which is erected, constructed and maintained above the roof of the building to which it is connected.
- m. Sign: A display of an assembly of letters, figures, characters, marks and /or illustrations which is affixed to, located on, or painted or otherwise depicted on any structure, land or exterior of a building for purposes of attracting attention and /or conveying information.
- n. Sign Area: The sign area of a sign shall mean the area expressed in square feet, within a single continuous rectilinear perimeter of straight lines enclosing the extreme limits of writing, representations, emblems or figures of a similar character together with all material or color forming an integral part of the display or used to differentiate the design from the background against which it is placed. In the case the case of a sign designed with more than one (1) exterior face, the area shall be computed as including only the maximum single displayed surface which is visible from any ground position.

- o. Wall Sign: A sign, but not including a banner sign, which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall and which shall not extend above the wall.
2. Permit Required. A permit shall be obtained for the erection, construction, alteration and/or replacement of any sign; except as otherwise provided in this Ordinance. All regulated signs shall be approved by the Zoning Administrator as to their conformance with the requirements of this Ordinance. As part of the zoning compliance permit application, the applicant shall provide the following:
 - a. Total display area of the sign in square feet;
 - b. Proposed setback of the sign from the road right-of-way, drives and adjacent properties;
 - c. Sign type, purpose and height, and ground clearance if applicable;
 - d. Height and width of building if the sign is a wall or wall projecting type;
 - e. Site area and frontage;
 - f. Site and building photos.
3. Signs Prohibited. The following signs are prohibited in all zoning districts:
 - a. A sign resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicle or signs which imitate official traffic directional signs or devices.
 - b. A sign intended to interfere with, mislead, or confuse a vehicle driver.
 - c. Signs on parked vehicles where the sign is the primary use of the vehicle.
 - d. Signs greater than two (2) square feet that are affixed to trees, shrubs or similar natural features, except that “no trespassing” and similar signs of under two (2) square feet are permitted.
 - e. Signs affixed to fences or utility poles or structural elements not capable of supporting such signs.
 - f. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
 - g. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fourteen (14) days during the opening of a new type of business or use by a new owner.
 - h. Signs placed within the road right-of-way.
 - i. Signs with moving or revolving parts.
 - j. Off-premise signs, except as provided for in this Ordinance.
4. Signs Not Requiring Permits. A sign shall not be erected without the issuance of a sign permit except for the following signs, which are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location.
 - a. Signs erected by the Township, County, State, or Federal Government for street direction or traffic control.
 - b. Governmental use signs erected by governmental agencies conveying information to the public including with limitation to designate hours of activity or conditions, or use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

- c. Signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
 - d. Signs located on parcels that are offered for sale, rent or lease, provided that such sign is located two (2) feet outside of the street right-of-way, and does not exceed (6) six square feet in area.
 - e. Signs not larger than one (1) square foot in area posted to control and/or prohibit hunting or trespassing within the Township.
 - f. Essential service signs denoting utility lines, railroad lines, hazards, and precautions including portable flashing signs.
 - g. Signs not exceeding twelve (12) square feet in area that are 1) cut in to the face of a masonry surface, or 2) produced on a bronze or other noncombustible material placed on the face of a building, structure or other permanent object on the ground in order to commemorate a historical event or person.
 - h. Signs, pennants, flags, lights, decorations or banners used for holidays, public demonstrations for promotion of civic welfare, or charitable purposes wherein the same shall be used for not more than thirty (30) days.
 - i. Nameplate signs not more than four (4) square feet in area.
 - j. A temporary sign and associated directional signage located on a parcel during a garage sale, estate sale, rummage sale, or arts and crafts sale conducted by an individual, church or nonprofit organization, only if the sign is placed upon the premises where the sale is located. No such signage shall not exceed six (6) square feet in area. Any such event shall not occur more than three (3) times, for seventy-two (72) hour periods, within any calendar year. Each such seventy two (72) hour period must be at least thirty (30) days apart.
 - k. A sign that is located a minimum of two (2) feet from the front property line on the premises of an active construction project which would not exceed thirty-two (32) square feet in area. A second sign may also be permitted if required by a governmental agency providing financing for the project. Such sign shall be removed within thirty (30) days from the issuance of a certificate of occupancy or of the completion of the construction.
 - l. The following temporary signs:
 - 1) One temporary sign not exceeding two (2) square feet in area may be placed on a property at any time.
 - 2) One sign no larger than one (1) square foot in area may be placed in one window at a time.
 - 3) Temporary signs that coincide with any local, state or national election, political campaign ballot issue or initiative.
5. General Sign Provisions. All signs shall conform with the following general requirements:
- a. Signs not strictly permitted by this Section are prohibited.
 - b. All signs and sign structures shall conform to all applicable codes adopted by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

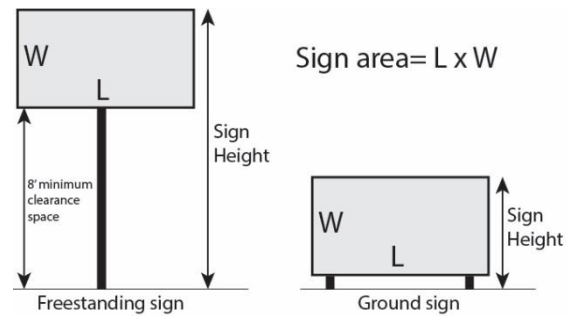
c. Nonconforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign. Extensive repairs constituting rebuilding must meet the requirement of the pertinent zoning district.

6. **Sign Area.** 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 two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Framed and structural members not bearing advertising matter shall not be included in computation of surface area; provided, that the base of a ground sign cannot exceed two (2) feet in height and the base and structural members of a freestanding sign cannot exceed fifty percent (50%) of the total area of the sign face.



7. **Sign Height.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less

8. **Location.** Signs shall not be located within ten (10) feet of a side or rear lot line. No sign shall be located closer than ten (10) feet to a public street right-of-way nor shall any portion of a sign overhang a public street right-of-way except as otherwise provided in this Chapter.



9. **Lighting.** Signs that are illuminated shall comply with the following standards:

- a. Illumination shall be by steady, stationary, shielded light sources directed solely at the sign, or internal to it.
- b. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or roads.
- c. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited. Illumination shall not be installed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.
- d. There shall be no flashing, oscillating or intermittent sign. All illuminated signs shall be designed and located to prevent the light there from being cast upon adjoining residences.
- e. No sign regulated by this Ordinance may utilize: an exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion device. Any exposed incandescent lamp in excess of 160 watts is prohibited unless a screen or shield is installed so that light is not emitted by the installed fixture at angles above the sign's highest horizontal plane.

- f. Lighting fixtures used to illuminate a sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture to traffic areas or residential areas.
 - g. For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source. Metal halide lighting, fluorescent lighting, and quartz lighting may be used for signs but shall be installed in enclosed luminaries.
 - h. Glass tubes filled with neon, argon, or krypton may be used, provided they do not flash intermittently or create a visual effect of movement.
10. Temporary Signs. Unless specifically exempted in Section 14.03(4)m, temporary pennants, flags, banners, feather signs and similar temporary signs are permitted to be placed on a property not to exceed 30 days without a permit, provided that they are kept in a good state of repair.
11. Off-Premise Signs. A conforming agricultural business, commercial or institutional use may place up to four (4) signs off premises provided that the following standards are met:
- a. a proof of permission by the host property owner is provided to the Zoning Administrator
 - b. Each off-premise sign shall not exceed four (4) square feet in area
 - c. Off-premise signs shall be located a minimum of two (2) feet from the property line or right of way, whichever results in a greater setback.
12. Electronic Message Boards. Electronic Message Boards are permitted in accordance with the following standards:
- a. An electronic message board is permitted on ground signs only.
 - b. An electronic message board shall be located on the same parcel as the principal use.
 - c. An electronic message board shall only be permitted in the Commercial, I Industrial or Mixed Use Interchange districts only. Electronic message boards are also permitted in any district for churches, schools and municipal/governmental buildings.
 - d. The intensity and contrast of light levels on the electronic message board shall remain constant throughout the sign face. An electronic message board shall use automatic day/night dimming software to reduce the illumination intensity of the sign at night.
 - e. A photometric plan shall be submitted to the Zoning Administrator prior to the placement of an electronic message board.
 - f. All electronic message boards shall meet the following requirements:
 - 1) The message board shall not have scrolling, flashing, blinking or similar effect.
 - 2) The message shall change no more frequently than every five (5) seconds.
 - 3) The brightness of an electronic message board, measured at the property line, shall not exceed 0.3 footcandles.
 - 4) It shall be the responsibility of the owner on whose property the sign is located to present to the Township Zoning Administrator documentation that the brightness of the electronic message board is compliant with this Ordinance within ten (10) days of installation.
13. Signs Permitted by District.

- a. In the **Agricultural Production, Rural Residential, Single-Family Residential and Medium Density & Multi-Family Residential** districts, the following types of signs are permitted:

- 1) The following sign is permitted at the entrance of a permitted residential development:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Ground	1 per development entrance	32 square feet	6 feet	Yes

- 2) The following sign is permitted all non-residential land uses:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Ground	1 per parcel	32 square feet	6 feet	No

- 3) The following sign is permitted for all permitted home occupations:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Freestanding	1 per parcel	4 square feet	4 feet	No

- b. In the **Commercial and Industrial Districts**, only the following sign types are permitted:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?
Wall or marquee, OR;	1 per building wall facing a public street	10% of building wall area, not to exceed 100 sq ft	N/A	Yes
Awning, OR	1 per building wall facing a public street	15% of the area of the building face	Not to exceed the building height	Yes
Projecting, AND	1 per building wall facing a public street	1 square foot per lineal foot of length of the building face	Not to exceed the building height	Yes
Ground	1 per parcel	32 square feet	10 feet	Yes

14. **Nonconforming Signs.** Signs lawfully erected prior to the adoption of this Ordinance or applicable amendment thereto which do not meet the standards of this Section shall be considered nonconforming structures pursuant to Chapter 16.

Section 14.04 Lighting

The following lighting standards shall apply to all uses:

1. Off-street parking areas shall be adequately lit to ensure security and safety. Ground lighting and wall pack lighting is encouraged in small developments over pole lighting to prevent unnecessary glare and sky glow which inhibits the view of the night sky and, therefore, negatively effects rural character.
2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
4. Site lighting fixtures shall be limited to twenty (20) feet in height.
5. Canopy lighting shall be recessed into the canopy structure and shall not protrude from the canopy surface.

Section 14.05 Landscaping Requirements

1. Description and Intent: The intent of these regulations is to provide specific landscaping requirements that achieve the following:
 - a. Conserve the value of land and buildings.
 - b. Integrate various elements of a site to attain and maintain attractive properties.
 - c. Blend harmonious land uses, buffer incompatible land uses, and define outdoor and architectural spaces.
 - d. Control soil erosion by slowing or constraining the effects of wind or water.
 - e. Minimize the transmission from one land use to another of nuisances associated with noise, dust and glare.
 - f. Distinguish and separate vehicular and pedestrian traffic system.
 - g. Minimize visual pollution; minimal screening provides an impression of separation of spaces, and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.
 - h. Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.
 - i. Safeguard the public health, safety and welfare, and preserve the aesthetic qualities and enhance rural character.
2. The landscape requirements of this Section are considered the minimum necessary to achieve the intent noted above. In several instances, the standards or requirements are intentionally flexible to encourage adaptability to specific circumstances and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.
 - a. General Requirements: For all uses requiring site plan review a landscape/screening plan shall be submitted to the Township for review and approval. The plan shall be prepared by a registered landscape architect and shall contain the following:
 - 1) All applicable information listed in Chapter 12.
 - 2) All applicable information listed in this Section pertaining to plant materials.
 - 3) The location, general size, and type of existing vegetation to be retained.

- 4) A planting schedule and plan providing the following information:
- i. The botanical and common name of each plant used.
 - ii. The size of each plant to be used at the time of planting.
 - iii. The quantity of each plant to be used.
 - iv. Whether plants to be used are balled and burlapped, container grown, or bare root.
 - v. The spacing and location of all proposed trees, shrubs and ground cover.
 - vi. The percentage of landscaped area to be provided on site.
- b. Required plant materials shall be of the following sizes at the time of planting:

Minimum Plant Material Size			
Plant Type	Minimum Caliper¹	Minimum Height	Minimum Spread
Large Deciduous Trees	2 inches	4 feet to first branch	--
Medium Deciduous Trees	2 inches	4 feet to first branch	--
Small Deciduous Trees	2 inches	4 feet	--
Evergreen Trees	--	5 feet	--
Narrow Evergreen Trees	--	3 feet	--
Large Deciduous Shrubs	--	2 feet	15 inches
Hedges ²	--	4 feet	--
Footnotes: ¹ Measured 12 inches above grade ² Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting			

- c. Trees not permitted in a formal landscape plan: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are invasive species or unusually susceptible to disease or insect pests. The Zoning Administrator, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area:

- 1) Ash
- 2) Box elder
- 3) Soft maples
- 4) Elms
- 5) Poplars
- 6) Ailanthus (Tree of Heaven)
- 7) Willows

- 8) Eastern Red Cedar
 - 9) European Barberry
 - 10) Northern Catalpa
 - 11) Russian Olive
- d. Mixing of Species: The overall landscape plan shall not contain more than thirty-three (33%) of any single plant species. The use of trees native to the area and mixture of trees from the same species association, is encouraged.
 - e. Species selection: Landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity.
 - f. Plant material spacing: At planting, materials shall be spaced so as to ensure their survival over the length of their growing period.
 - g. Installation
 - 1) Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen.
 - 2) The Planning Commission may require that landscaped areas be irrigated.
 - 3) All required plantings shall be installed within six (6) months of their approval by the Township.
 - 4) Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties.
 - 5) Landscaped areas shall be covered by grass or other living ground cover.
 - 6) Trees and shrubs shall be setback a minimum of twenty (20) feet from the right-of-way and five (5) feet from a vehicular access or pathway.
 - h. Maintenance
 - 1) Maintenance of plantings shall be conducted with regularity to ensure a healthy and neat appearance.
 - 2) Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris.
 - 3) All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period.
 - 4) The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them.
 - i. Existing vegetation
 - 1) Where healthy plant material exists on a site prior to its development or redevelopment, variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is keeping with the intent of this Section.

- 2) All existing live trees in excess of twelve (12) inches in diameter at four and one half (4 ½) feet above the ground shall be preserved as much as practical.
 - 3) Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead on a caliper per caliper basis
 - 4) A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided.
- j. Landscape Buffer Zones. Where landscape buffer zones are required:
- 1) A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year.
 - 2) Additional screening may be required by the Planning Commission, including additional buffer width; length and setback; a wall; berm and/or fencing to prevent the creation of any nuisance; avoid annoyance by artificial lighting or incompatible activity.
- k. Landscaping may be required to serve as windbreaks.
- l. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four (4) feet height and shall be a minimum of three (3) feet in width at the highest point of the berm. Berms may be larger if the Planning Commission deems the design appropriate for the circumstances.
3. Parking Lot Landscaping
- a. All off-street parking areas shall provide the following landscaping within the parking lot (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):
 - 1) One (1) deciduous shade tree shall be required for each ten (10) parking spaces, provided that in no case shall less than two (2) trees be provided.
 - 2) Three (3) under story shrubs shall be required for each ten (10) parking spaces.
 - 3) Parking lot islands shall be at least ten (10) by sixteen (16) feet Sunken landscape islands with rolled curb and/or curbing with drainage gaps are encouraged to help hold storm water runoff.
 - 4) The Planning Commission may require parking lots to be screened from a street, trail or less intense adjacent use.
 - b. When off-street parking and loading of a nonresidential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by a solid, ornamental fence or masonry wall at least four (4) high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary. The Planning Commission may require a combination of berming, fencing and plantings to provide an adequate screen.
4. Site Landscaping

- a. Perimeter plantings shall be provided a ratio of two (2) deciduous shade, ornamental, or evergreen trees for every thirty (30) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage and ten perennials per fifty (50) linear feet of frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township.
 - b. The required side and rear setbacks shall be landscaped to:
 - 1) Define cross-connections between properties for both pedestrian and vehicles;
 - 2) Define internal access ways for vehicles and pedestrians;
 - 3) Provide shade and lawn areas for outdoor activities;
 - 4) Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use;
 - 5) Serve as windbreaks where warranted;
 - 6) To break up long expanses of building without windows.
5. Detention and Retention Ponds:
- a. Plantings shall be provided a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.
 - b. Pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site. Smaller, rain garden features are preferred over a single detention facility.
 - c. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.
6. Soil Erosion and Sedimentation Control Measures shall be outlined on the site plan and in place prior to construction activities.
7. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles
- a. For utility buildings, stations, and/or substations, screening shall be provided consisting of a four (4) foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area.
 - b. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission.
 - c. 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 to the height of the particular piece of equipment.
 - d. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial uses do not need to screen from one another.

Chapter 15 – Special Land Uses

Section 15.01 Description and Intent

Special Land Uses are those uses of land, which are not essentially incompatible with uses permitted in a District, but possess characteristics or location qualities, which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance which is applicable to the Special Land Use under consideration.

Section 15.02 Application and Review Procedures

An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:

1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator. The Zoning Administrator will review the application for completeness and then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.

An application for a Special Land Use shall consist of the following:

- a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 12.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee and any required escrow deposits, in accordance with a fee schedule as determined by the Township Board
 - d. A legal description of the entire property that is the subject of the Special Land Use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 15.03 1 a-e, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
 - f. Other materials as may be required by the Planning Commission or Township Board.
2. Public Hearing Required
 - a. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application. Notice of the public hearing shall be conducted in accordance with Section 18.07.
 - b. The application for a special land use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting.
 - c. Following the public hearing, the Planning Commission shall either approve, approve with conditions, or deny the special land use application.
 - d. If approved, the applicant may apply for a building permit. When the conditions of approval require a revised site plan, it must be submitted and approved prior to the acceptance of a building permit application.

- e. If denied, the reasons for such denial shall be stated in the minutes of the Planning Commission and the applicant shall be provided with the reason(s) for such denial in writing.
- f. An applicant may not appeal the decision related to a special land use to the Zoning Board of Appeals.

Section 15.03 Basis of Determination

In order for a Special Land Use application to be approved, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, are satisfied by the completion and operation of the Special Land Use under consideration.

1. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance, are met:
 - a. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The Special Land Use shall not change the essential character of the surrounding area.
 - c. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
 - d. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
 - e. The Special Land Use shall be in general agreement with the Township Master Plan.
 - f. The Special Land Use shall comply with all site plan review standards.
2. The Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
3. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval in accordance with Section 18.05.
4. If, after the establishment, the Special Land Use is found in noncompliance with the approval granted by the Planning Commission, the noncompliance shall be corrected in sixty (60) days to eliminate any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 15.05 shall be initiated.

Section 15.04 Approval Term and Expiration

1. A Special Land Use, including conditions imposed, shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Cass County Register of Deeds within ninety (90) days of approval and prior to the issuance of a zoning or building permit.
2. A Special Land Use must be initiated within one (1) year from the date of approval, or the special land use permit shall be null and void. The Planning Commission may grant a single one (1) year extension, with adequate explanation from the applicant, provided the approval has not been

revoked as provided in Section 15.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.

3. If, by the end of the one (1) year extension, one of the following exists, the Special Land Use shall be deemed expired and no longer valid, and any zoning or building permit issued shall be revoked:
 - a. The Special Land Use has not been initiated.
 - b. Construction necessary for the Special Land Use has not been initiated.
 - c. Construction has been initiated but is not proceeding meaningfully toward completion.
4. Reapplication for approval of an expired Special Land Use shall be considered in the same manner as the original application.

Section 15.05 Revocation of Special Land Use

The Planning Commission may revoke or suspend any Special Land Use or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking or suspending a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 18.07. The applicant shall be given a reasonable opportunity to correct the violation prior to revocation or suspension.

Section 15.06 Specific Special Land Use Standards

The following land uses in Sections 15.07 through 15.51 shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Chapter. The following uses, whether permitted by right or special land use, are subject to the following standards or regulations.

Section 15.07 Agricultural Labor Housing

Agricultural labor housing shall be considered an accessory use to a farm and shall meet the following standards:

1. A site plan pursuant to Chapter 13 shall be required prior to the construction, placement or use of migratory worker dwellings.
2. Migratory worker dwellings shall be located on a parcel of land use that is primarily used for agricultural purposes and shall be considered an accessory use.
3. The parcel that contains migratory worker dwellings shall have an area of at least 10 acres.
4. Migratory worker dwellings shall meet all setback standards of the zoning district in which it is located.
5. Migratory worker dwellings shall meet all rules, regulations and standards of the State of Michigan Department of Agriculture and Rural Development which governs the licensing and operation of migratory worker dwellings, as well as all applicable requirements of the Cass County Health Department and any other local, state or federal requirements.
6. A migratory worker dwelling shall provide a minimum of 100 square feet of habitable space per occupant. The term 'habitable space' shall be defined by the Michigan Department of Agriculture and Rural Development's Agricultural Labor Camp Rules, as authorized by Part 124 of Act 368 of 1978, as amended (MCL 333.12421).

7. Migratory worker dwellings shall only be occupied between the dates of April 1 and November 15 of a calendar year.
8. The size, location, access and character of the proposed migratory worker dwellings shall be generally compatible with existing residential areas and not detract from existing scenic areas. The Planning Commission may require greater setback and screening regulations based on the use and compatibility of adjacent property.
9. The owner or operator of the farm served by the migratory worker dwellings shall ensure that occupants of the migratory worker dwelling maintain reasonable quiet hours at night.
10. Migratory worker dwellings shall only be used for the housing of persons primarily employed by the owner of the farm and the employee's immediate family.
11. Vehicular parking areas shall be clearly delineated and arranged in an orderly manner. Parking areas shall not be located within the required front yard as defined in this Ordinance.

Section 15.08 Adult Day Care Group Home

Adult day care group homes shall be subject to the following requirements:

1. Buildings and lots shall conform to the yard, setback and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
4. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

Section 15.09 Adult Foster Care Small Group Home

Adult foster care small group homes shall be subject to the following requirements:

1. Adult Foster Care homes serving fewer than seven (7) residents shall be considered a residential use and shall not be subject to the requirements of this Section.
2. Adult Foster Care homes shall at all times maintain all valid state and local licenses.
3. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.

Section 15.10 Adult Foster Care Medium Group Home

Adult foster care medium group homes shall be subject to the following requirements:

1. Adult Foster Care homes serving fewer than seven (7) residents shall be considered a residential use and shall not be subject to the requirements of this Section.
2. Adult Foster Care homes shall at all times maintain all valid state and local licenses.
3. An adult foster care home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care home.

Section 15.11 Adult Uses

Some uses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of Milton Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township's retail trade, maintain property values, protect and preserve the quality of life in the Township, preserve areas frequented by children from increased criminal activity and increased blight or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of residential neighborhoods in commercial districts.

1. The operation or expansion of any and all adult uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a Special Land Use in the Industrial District and only in conformance with the requirements of this Section.
2. No adult use shall be located within two hundred (200) feet from the following zoning districts: A Agricultural Production, RR Rural Residential, SFR Single-Family Residential, MDR/MFR Medium Density & Multi-Family Residential or MUI Mixed Use Interchange. Further, no adult use shall be located within 500 feet of a public park or school. Such required distances shall be measured by a straight line between a point on the boundary line of a zoning district to the location of the proposed building containing the adult entertainment use.
3. All adult uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multiple uses within the same structure do not constitute a freestanding building.
4. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relation to specified sexual activities, specified acts of violence or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.
5. The owner/operator of the proposed adult use shall have provided an exterior maintenance program to the Township Zoning Administrator, together with its Special Land Use Application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all parking areas and other portions of the premises not less than daily. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any Special Land Use permit pursuant to this Section.
6. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.

7. Any booth, room or cubicle available in any Adult Use used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as may be amended from time to time;
 - b. Be unobstructed by any door, lock or other entrance and exit control device;
 - c. Have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Be illuminated by a light bulb of not less than sixteen-hundred (1,600) lumens; and
 - e. Have no holes or openings, other than doorways, in walls.
8. The premises shall meet all barrier free requirements and building code requirements applicable in the Township.
9. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed the maximum occupancy permitted by applicable codes.
10. The applicant shall provide an overall management plan for the facility including explicit rules which prohibit total nudity and prevent any physical contact between or among performers, dancers or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform with the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
11. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from Adult Uses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Section will be observed. The violation of any condition, safeguard, requirement or approved rule of operation shall be grounds for suspension and/or revocation of the special land use permit, pursuant to Section 15.05 of this Ordinance.

Section 15.12 Agricultural Service Establishment

Agricultural Service Establishments shall be subject to the following requirements:

1. Minimum lot size shall be ten (10) acres.
2. Minimum frontage shall be five hundred (500) feet.
3. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of this Ordinance.
4. No storage or loading activities shall be permitted within fifty (50) feet of any lot line.
5. All buildings shall be set back a minimum of seventy five (75) feet from any lot line.
6. All agricultural service activities shall be located at least 300 feet from any residential district and 100 feet from the property line of an abutting residential use or district.
7. The lot shall be located so at least one (1) side abuts an arterial or collector road and all access shall be from that road.
8. Access to the site shall be located according to minimum spacing of access points from intersections and spacing from other access points along the same side of the public street.

Section 15.13 Assisted Living Facility

Assisted Living Facilities shall be subject to the following requirements:

1. Parking shall be provided at the rate of one (1) space per unit. Should units revert to general occupancy, then two (2) parking spaces per unit shall be provided.
2. Minimum lot size shall be one (1) acre with a minimum of five thousand four hundred (5,400) square feet of lot area per dwelling unit (maximum 8 dwelling units per acre).
3. The number of dwelling units in an elderly housing project may exceed the twenty (20) units per building by no more than 50% (10 units per building) if the facility is licensed by the State of Michigan for nursing care or as a home for the aged. If the facility is not licensed by the State of Michigan the number of units may exceed twenty (20) units per building by no more than 25% (5 units per building).
4. All units in the building shall have a minimum of 450 square feet per unit.
5. A covered drop-off and pick-up area shall be provided on-site in close proximity to the main entrance.
6. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public or private street(s).

Section 15.14 Automobile Repair Facility

Automobile repair establishments shall be subject to the following requirements:

1. Not more than four (4) dismantled, wrecked or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way. Regardless of any screening, no dismantled, wrecked or inoperable vehicle or vehicle parts may be stored outdoors for longer than ninety (90) days. The Planning Commission may require an opaque fence up to six (6) feet in height and/or an evergreen landscape buffer not less than six (6) feet in height at time of planting to screen any vehicles from neighboring uses or passers-by.
2. No buildings associated with an automobile repair establishment shall be erected within fifty (50) feet of any residential zoning district.
3. All equipment including hydraulic hoists, pits, and lubrication and repair facilities shall be entirely enclosed within a building.
4. All repair and maintenance activities shall be performed entirely within an enclosed building.
5. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
6. The premises shall not be used for the sale of vehicles, unless approved for such use as part of site plan review.

Section 15.15 Automobile Sales Facility

Automobile sales facilities shall be subject to the following requirements:

1. Uses shall produce no detectable objectionable dust, fumes or odors at any property line.
2. All travel surfaces shall be paved or otherwise treated to control dust.
3. No exterior fixture shall cast light off the property and no light source shall be visible from any surrounding residential land uses. Building surface reflectivity shall be no greater than one (1) foot candle.

4. Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
5. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

Section 15.16 Reserved

Section 15.17 Bed and Breakfast Establishment

Bed and breakfasts shall be subject to the following requirements:

1. The bed and breakfast shall be compatible with other allowed uses in the vicinity.
2. The impact of the establishment shall be no greater than that of a private home with houseguests.
3. The bed and breakfast shall not provide more than six (6) sleeping rooms rented to transient guests
4. The minimum lot size shall be consistent with the district minimum for a single family dwelling.
5. The establishment shall be the principal dwelling unit on the property and shall be occupied as the residence of the owner and operator at all times.
6. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
7. The bed and breakfast shall not alter the residential character of the building or structure.
8. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
9. No conference/meeting room facilities will be permitted.
10. The bed and breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
11. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

Section 15.18 Campground

Campgrounds shall be subject to the following requirements:

1. The application shall include a clear definition of the sponsoring agency or organization, including names of owners/operators and/or officers of the camp. Any affiliation with regional or national organizations shall be disclosed.
2. The applicant shall provide a detailed description of the proposed camping program to be carried out at the facility. Such description shall include the times of the year when the camp is proposed to be occupied, the nature of any instruction or educational program that may be provided, the numbers, ages and gender of campers to be accommodated, the ratio of camp staff to campers, and other information which the township determines is necessary to provide a complete presentation of the proposed facility.
3. Campsites shall not be located within one hundred (100) feet of any property line.
4. Minimum lot area shall be ten (10) acres.

5. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission.
 - c. All commercial uses shall be setback two hundred (200) feet from any property line.
6. Each campsite shall have a minimum area of 1,500 square feet.
7. Common area shall be provided at the ratio of one thousand (1,000) square feet for each campsite.
8. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.

Section 15.19 Car Wash

Car washes shall be subject to the following requirements:

1. All such facilities shall be connected to a public sewer system and all wastewater discharge facilities shall be designed to properly manage excess loading to the public wastewater collection and treatment system.
2. All washing activities shall be carried out within a building.
3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
4. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
6. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for a drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

Section 15.20 Cemetery

Cemeteries shall be subject to the following requirements:

1. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable State laws.
2. A proposed cemetery that provides a chapel or other enclosure for graveside, internment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
3. A landscape buffer of at least ten (10) feet shall be provided where a Cemetery abuts a residentially zoned or used parcel.
4. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street

parking area.

5. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
6. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

Section 15.21 Child Care Home, Group

Child care group homes shall be subject to the following requirements:

1. Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
2. All required state and local licensing shall be maintained at all times.
3. All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
4. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group child care home.
 - b. An adult care small, medium or large group home.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
5. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
6. Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

Section 15.22 Child Care Center

Child Care Centers shall be subject to the following requirements:

1. Facilities shall be located with direct access to a paved public road.
2. A facility shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless the main building and any play area are separated from any residence by more than three hundred (300) feet.
3. Playground equipment shall not be located in front or side yard. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
4. An off-street drop-off area is to be provided with the capability to accommodate at least four (4) vehicles in addition to the parking normally required for employees.
5. Activities associated with childcare shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.

6. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.

Section 15.23 Church

Churches shall be subject to the following requirements:

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
2. Outside activities shall not take place within fifty (50) feet of any property line abutting a Residential District.
3. The Planning Commission may require an additional greenbelt or screening to minimize visual, noise, or other effects from the proposed use or parking area.

Section 15.24 Club or Lodge

Clubs or lodges shall be subject to the following requirements:

1. The site shall be a minimum of two (2) acres and shall have at least one (1) property line abutting an arterial or rural collector street.
2. All vehicular ingress and egress to the site shall be directly from a public thoroughfare, unless otherwise approved by the Planning Commission.
3. Access to the site shall be located according to County and/or State requirements as applicable.
4. Where the site abuts a Residential District, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer zone compliance with Section 14.05 of this Ordinance.
5. The facility shall be located and designed such that no objectionable noise shall be carried to adjoining properties.

Section 15.25 Contractor's Yard

Construction and contractor yards shall be subject to the following requirements:

1. The area of a site proposed for use as a construction supplier shall not be less than one (1) acre in size.
2. The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet nor more than sixteen (8) feet in height.
3. No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.

Section 15.26 Reserved

Section 15.27 Education Facility

Education facilities shall be subject to the following requirements:

1. An education facility shall have its primary access directly from a paved, all-season road.
2. If an education facility incorporates any gymnasium, theater, auditorium or large meeting space, it shall also comply with additional requirements of this Ordinance pertaining to such additional uses.

3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes.
4. All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site. Exterior light standards shall be no higher than twenty (20) feet.

Section 15.28 Funeral Home

Funeral Homes shall be subject to the following requirements:

1. Minimum lot area shall be two (2) acres and minimum lot width shall be one hundred and fifty (150) feet.
2. An off-street vehicle staging area shall be provided to accommodate funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public road.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. Access to the site shall be located according to County and/or State requirements as applicable.

Section 15.29 Gas Station

Gas stations shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation for Gas Stations to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
3. All buildings, pump islands, canopies and other facilities shall be located in conformance with the yard and setback requirements of the zoning district in which it is located.
4. Dismantled, wrecked, or immobile vehicles stored shall be completely screened from any adjoining parcel or right-of-way.
5. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
6. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
7. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or Federal requirements.

Section 15.30 Golf Course/Country Club

Golf Courses or Country Clubs shall be subject to the following requirements:

1. The parcel shall be a minimum of forty (40) acres.
2. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrian and vehicular traffic safety.
3. Development features shall be shown on the site plan; including the main and accessory buildings, structures and parking areas and these areas shall be located to minimize adverse effects upon adjacent property.

4. Buildings and parking areas shall not be less than one hundred (100) feet from any property line or abutting Residential District or use, unless existing topographic conditions would provide additional screening. In this case the Planning Commission may reduce the required setback to no less than fifty (50) feet.
5. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential District and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
6. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential District or use.
7. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use Section 14.05 when determining screening is needed.
8. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
9. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Section 14.05.
10. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.
11. Major accessory uses such as a restaurant shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
12. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
13. No building shall be erected to a height greater than that permitted in the district in which it is located.
14. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
15. All parking areas and access drives shall be paved.
16. No outdoor loudspeaker or call system shall be audible on adjoining property.
17. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
18. 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.
19. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Cass County Health Department.

20. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run off.
21. Water quality protective measures are required as follows:
 - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
 - b. To the extent feasible, 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. Areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
 - d. A chemical storage area must be designated within an accessory building.
 - e. The area must provide secondary containment to prevent the spread of spills.
 - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
 - g. An inventory manifest of stored chemicals must be posted at the entrance of the building housing them.
 - h. 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.
 - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
 - j. 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.
22. 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 15.31 Reserved

Section 15.32 Gun Range

Gun ranges shall be subject to the following requirements:

1. Minimum lot area shall be forty (40) acres.
2. Minimum setback of two hundred and fifty (250) feet from all lot lines shall be established where no shooting activities shall take place.
3. Hours of operation shall not begin before 9:00 a.m. nor end later than 9:00 p.m. for outdoor ranges.
4. The use shall not be located any closer than one quarter (1/4) mile from any residential district, residential use, church or school.
5. Rifle and pistol ranges shall have sufficient backstop to prevent further range of a bullet or an errant shot.

Section 15.33 Reserved

Section 15.34 Governmental Building

Governmental Buildings shall be subject to the following requirements:

1. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
2. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

Section 15.35 Home-based Business

Home based businesses shall be subject to the following requirements:

1. The exterior appearance of the dwelling and accessory building, if used in connection with the home based business, shall not be modified to accommodate the use.
2. Outdoor display of goods or merchandise is prohibited.
3. Equipment used in connection with the home based business shall be parked or stored within a building or within a gated six (6) foot high screening fence enclosure.
4. There shall be adequate off-street parking and maneuvering area.
5. There may be no incidental and occasional selling of goods, merchandise, supplies or products.
6. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.
7. There shall be no activity that would cause vibrations, smoke, dust, odors, heat, or glare and activity shall not interfere with radio or television signals, nor result in an adverse effect at or beyond the property line.
8. As a result of the home-based business, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
9. There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
10. Any non-illuminated sign shall comply with the sign requirements for the zoning district in which the use is located, pursuant to Section 14.03 of this Ordinance.

Section 15.36 Hotel or Motel

Hotels or motels shall be subject to the following requirements:

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Ingress and egress shall be from a paved (primary) arterial or collector road.
4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.
5. Maximum building height shall not exceed the height limits of the district.

Section 15.37 Indoor Recreation Facility

Indoor Recreation facilities shall be subject to the following requirements:

1. The site shall be located on a major thoroughfare with a minimum of two hundred (200) feet of frontage.
2. No building shall be located within fifty (50) feet of a lot line of adjoining residentially zoned property.
3. Landscaping shall conform to the requirements of Section 14.05 for buffer zones and parking areas.
4. All off-street parking areas shall be illuminated during all hours of operation, and until one hour after the business closes.
5. Sites shall be regularly cleared of debris so that litter does not accumulate on adjacent properties.
6. The applicant shall demonstrate that adequate provision has been made to account for noise and safety-related concerns at an indoor recreation facility.

Section 15.38 Institutional Use

Institutional uses shall be subject to the following requirements:

1. The Planning Commission may require completion of a traffic study.
2. Institutional uses shall have direct access to a paved public road.
3. The applicant shall demonstrate that the conduct of the institutional use would be compatible with existing and permitted land uses in the vicinity.
4. The Planning Commission may limit the hours of operation of the facility to protect the character of the vicinity and surrounding uses.

Section 15.39 Reserved

Section 15.40 Kennel

Kennels shall be subject to the following requirements:

1. The minimum lot area shall be one (1) acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.
3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a completely enclosed building.
5. Kennels shall comply with the Cass County Dog Law Enforcement Ordinance, as amended. If there is a conflict between the provisions of this Ordinance and the Cass County Dog Law Enforcement Ordinance, as amended, the more restrictive provisions shall control.
6. Upon approval, the applicant shall notify Cass County Animal Control in such approval in writing and shall furnish the Township with copies of such notification.

Section 15.41 Reserved

Section 15.42 Mini Warehouse / Self Storage

Mini Warehouse / Self-storage facilities shall be subject to the following requirements:

1. The area of the proposed site shall be at least two (2) acres.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
3. All outdoor storage areas shall be fenced and screened from view from adjoining roadways and residential properties.
4. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be forty (40) feet in width. All outdoor storage areas shall be provided with a smooth and dust free surface.

Section 15.43 Mining Operation

Mining operations shall be subject to the following requirements:

1. General Site Plan Requirements: In addition to the requirements of this Chapter, an application for a mining operation shall be accompanied by a site plan drawn to a scale of at least 1" = 100' and shall include, at a minimum, the following information:
 - a. Name and address of owner(s) of land which removal will take place.
 - b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c. Location, size and legal description of the total site area to be mined.
 - d. The means and routing of access and egress from the site to local, county and state roads.
 - e. Surface water drainage provisions and outlets.
 - f. The location and size of any structures on the site.
 - g. A current aerial photograph displaying the area and all lands within 1,320 feet of the site. The aerial map shall show the uses of the lands on the aerial map and the location of the various types and extent of existing natural features, such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information the Township requires in order to assess the environmental impact of the proposed extraction activity and restoration plan.
 - h. A description of the various types and extent of existing major ground vegetation, particularly tree species, and endangered species found within the area proposed for mineral removal.
 - i. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area.
 - j. A description of the type, quality, and amount of the mineral material at this site and of the current and potential market for the mineral material to be removed.
 - k. A plan for material extraction for the total project which shall include:
 - 1) Pre-mining soil survey indicating soil depths and types for future reclamation of the site.
 - 2) Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.

- 3) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - 4) The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.
 - 5) The location and types of noise and vibration mitigation including earth berms, fences, vegetation within the required setbacks and other features.
 - 6) The location and types of dust mitigation tools.
 - 7) Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.
 - 8) The portions of the site (if any) that may be used for on-going operations, such as equipment staging, crew areas or other uses.
 - 9) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located, including the following information:
 1. A narrative description of proposed land uses at the conclusion of mining activity.
 2. A site plan illustrating a conceptual layout of the site with a conceptual plan for internal vehicular circulation on the site (if any), any areas of open water anticipated, the nature of vegetation to be established.
2. Review Criteria. An application for a mining operation shall be received, processed, heard and decided in accordance with the procedures for special uses set forth in this Chapter, and approval of the special use for a special land use permit for a mining operation shall be granted only if the Planning Commission determines that all the general standards and regulations of Section 15.03 are met.

In reviewing an application for a mining operation, the Planning Commission shall also determine whether or not the applicant has satisfied his/her burden in demonstrating that no very serious consequences would result from the proposed mining operation. In making this determination, the Planning Commission may consider the following factors, as set forth in MCL 125.3205:

- a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
3. Small Pits. Mines of no more than 5 acres in total area shall comply with the following standards:
- a. The total land area devoted to a Small Pit shall not exceed 5 acres, or 217,800 square feet. The determination of total area shall be cumulative incorporating any areas on the same parcel from which material is extracted.
 - b. The Zoning Administrator shall require satisfactory evidence that the operation and restoration of a Small Pit shall at all times be safe.

- c. Excavation below the grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any property line or road right-of-way.
 - d. A Small Pit shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface whenever excavation operations cease for any period in excess of fourteen (14) days.
 - e. A land use permit for a Small Pit shall expire six (6) months following cessation of operations, or three years, whichever occurs first. A land use permit may be extended for additional intervals of not more than two (2) years each, upon application and determination by the Zoning Administrator of continued satisfactory operation.
 - f. If a pond is to be created, the standards for Section 3.25 shall also apply.
4. Large Pits. Pits of 5 acres or more in total area shall comply with the following site development requirements:
- a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - 1) Excavation below the existing grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any adjacent property line or road right-of-way.
 - 2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
 - b. The Planning Commission may require fencing. If required, the applicant shall specify the type, characteristics, and location of the required fencing to the satisfaction of the Planning Commission.
 - c. Stockpiles of earth materials shall be limited to a height that minimizes the potential for dust and dirt to blow onto adjacent properties. Stockpiles shall not be located in any required setback area, unless by approval of the Planning Commission.
 - d. Interior access roads, stockpiles, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind or blown dust.
 - e. Hours of operation shall be established by the Planning Commission as part of the special land use approval.
 - f. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 65 decibels at any property line.
 - g. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
 - h. Large pits shall be operated and maintained in such manner so as to eliminate, as far as practicable, excessive erosion that may affect neighboring properties or adjacent rights-of-way.
5. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant stormwater. For the purposes of this subsection,

a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of groundwater in the excavation. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than fifteen (15) acres of the site shall be open at any time.

- a. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment or parts thereof, or any material which will, or is likely to impair or harm the air water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
 - b. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water consistent with soil makeup depths from pre-excavation samples.
 - c. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion
 - d. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.
6. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Land Use permit may result in the immediate revocation of said Special Land Use permit and any and all other sanctions and/or penalties available to the Township and/or State
 7. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of his intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he shall not declare abandonment.
 8. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or a performance bond with the Township named as the principal. The bond shall be returned when all conditions stipulated in the Special Land Use permit have been met and the Special Land Use permit revoked prior to its release. There shall be no partial release of the bond.
 9. Extraction Fees: The operator shall, as a condition of the special land use, comply fully with the Township in the payment of any extraction fees that may be established either prior or subsequent to the application for the special land use permit.

10. Issuance of a Special Land Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant. At that time, the Special Land Use permit may be transferred.
11. Permit Expiration: If approval for a Special Land Use permit is granted by the Planning Commission for a period exceeding one (1) year, the operation shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
12. Annual Reports: Each year, the applicant shall provide an annual report to the Zoning Administrator or Planning Commission indicating progress in implementation of the material extraction plan as outlined in this Section. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the material extraction plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved Special Land Use permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended special land use application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. If no such amended special land use application is filed by the applicant, the Township may consider the suspension or revocation of the special land use in accordance with Section 300.1402, 12.

No more frequently than every five (5) years, the Zoning Administrator may require that the applicant provide at its own expense, an independent certification by a licensed surveyor or engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.
13. Modification of the Site Plan: The 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 may require the modification of the General Site Plan when:
 - a. Modification of the plan is necessary so that it will conform to the existing laws.
 - b. It is found that the previously approved plan is clearly impractical to implement and maintain.
 - c. The approved plan is obviously not accomplishing the intent of the Ordinance.
14. If a pond is to be created, the standards for Section 3.25 shall also apply.

Section 15.44 Multiple Family Dwelling

Multiple family dwellings shall be subject to the following requirements:

1. 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.
2. Multiple family dwellings shall be located on a parcel of at least 1 acre.

Section 15.45 Nursing Home

Nursing homes shall be subject to the following requirements:

1. The use shall be established and maintained in accordance with all applicable local, State and federal laws. As a condition of special land use approval, the use shall at all times maintain all valid State and local licenses.
2. A nursing or convalescent home shall not be located within fifteen hundred (1,500) feet of any other nursing or convalescent home.
3. Sufficient off-street parking shall be provided on-site.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

Section 15.46 Reserved

Section 15.47 Riding Stable

Riding stables shall be subject to the following requirements:

1. The minimum lot area shall be five (5) acres.
2. The maximum horse population shall be limited to two (2) horses for the first five (5) acres and an additional one (1) horse per each acre over five (5) acres.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least fifty (50) feet from any lot line and paddocks or corals must be at least ten (10) feet from any side or rear lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with Cass County Health Department and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
6. All egress points and off-street parking areas shall be of a durable and dust free surface, graded, and properly drained.
7. All outdoor lighting located on-site shall be constructed and installed so that all sources of light shall not be visible beyond the perimeter lot lines.
8. For riding stables only, one and one half (1.5) off-street parking spaces shall be provided for each horse kept on-site, plus any required for other uses accessory to the stable.
9. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.

Section 15.48 Reserved

Section 15.49 Veterinary Clinic

Veterinary Clinics shall be subject to the following requirements:

1. Buildings which house animals, runs or exercise areas shall be located at least one hundred (100) feet from a property line and shall be screened in accordance with Section 14.05.

Section 15.50 Waste Disposal Facility

A waste disposal facility shall be subject to the following requirements:

1. Minimum lot size shall be ten (10) acres.
2. All machinery, equipment, buildings, structures and activities shall be located at least twenty-five (25) feet from any lot line, at least one hundred (100) feet a residence, and two hundred (200) feet from any stream, water body or wetland. Where more than one (1) setback standard in this subsection is applicable, the greater setback distance shall apply.
3. Any noise, odors, smoke, fumes, or dust generated on the site by any digging, excavating, loading or processing operation and borne, or apt to be borne by the wind, shall be confined to the greatest extent practicable to prevent a nuisance or hazard on adjacent properties.
4. Evidence of all Federal and/or State licensing permits shall be provided to the Township as part of the Special Land Use application.
5. The Planning Commission may require screening, berms, hours of operation, and similar measures to protect adjacent properties and land uses.

Section 15.51 Wind Energy Conversion System, Commercial

Commercial Wind Energy Conservation Systems (WECS) shall be subject to the following requirements:

1. These facilities may be a principal use or an accessory use on a parcel.
2. Minimum lot size for a commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property.
3. In addition to the requirements for site plan application and review outlined in Chapter 13, the following information shall be included with any application of a Special Land Use for a WECS:
 - 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 WECS.
 - 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 site housing the WECS. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
 - d. A proper buffer or greenbelt to screen the use from any adjacent Residential District or use and the public road.
 - e. Existing and proposed setbacks of all structures located on the property in question.
 - f. Sketch elevation of the premises accurately depicting the proposed WECS 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 borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
 - g. Access road to the WECS facility with detail on dimensions, composition, and maintenance.
 - h. Planned security measures to prevent unauthorized trespass and access.
 - i. WECS maintenance programs shall be provided that describes the maintenance program used to maintain the WECS, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction 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.

5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Community.
6. A minimum of a six (6) foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECS, around the perimeter of the site.
7. No part of a WECS shall be located within or above any required front, side or rear yard setback of the Zoning District in which it is located.
8. WECS towers shall be setback from the closest property line two (2) feet for every one (1) foot of system height.
9. WECS shall not be located within thirty (30) feet of an above ground utility line.
10. The height of a WECS shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WECS shall be two hundred (200) feet for a commercial WECS.
11. WECS shall be of monopole design and shall not have guy wires.
12. Colors and surface treatment of the WECS 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.
13. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
14. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
 - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed on the tower.
 - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
15. Each WECS shall have one (1) sign, not to 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. Manufacturer's name.
 - c. Emergency phone number.
 - d. Emergency shutdown procedures.
16. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
17. WECS shall be designed and constructed so as not to cause radio and television interference.
18. Noise emanating from the operation of WECS 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 for property lines for normal operating conditions.
19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.

20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.
21. The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.
22. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the Community.
23. The Community hereby reserves the right upon issuing any WECS special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
24. Any WECS which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Section 15.52 Wireless Communication Antenna

Wireless communication antennas shall be subject to the following requirements:

1. Applicability. All new towers or antennas in Milton Township shall be subject to these regulations, except as provided for below:
 - a. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section unless modified.
 - b. Exempt Towers or Antennas. The following types of wireless communications antenna may be administratively approved in the Township:
 - 1) Amateur Radio Station Operators. Any tower, or the installation of any antenna, that is under one hundred and twenty five (125) feet in height and is owned and operated by a federally-licensed amateur radio station operator, may be approved by the Zoning Administrator as an accessory use.
 - 2) The following uses of wireless communication antenna may be administratively approved after review by the Zoning Administrator:
 1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the industrial district provided it is setback a minimum of three hundred (300) feet from a public right-of-way.
 2. Locating or collocating antennas on existing structures or towers.
 3. A tower that is modified or reconstructed to accommodate the collocation of an additional antenna, provided that it is of the same tower type as the existing tower.
 4. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - 3) Antenna Placement on Publicly-Owned Facilities. Wireless Communication antenna or towers may be installed on publicly-owned water towers or other facilities, and their accessory equipment and shelters may be installed on publicly-owned property, in any zoning district, with a lease approved by the Township Board, and subject to the requirements of the Site Plan Review provisions.

- 4) Towers Placed by Township and Towers Placed for Emergency Services. Wireless Communication antenna or towers may be installed on by the Township in any zoning district, with a lease approved by the Township Board, and subject to site plan review and approval by the Planning Commission. Further, the placement of towers or antenna dedicated to public safety and/or emergency services is permitted in any district, subject to site plan review and approval by the Planning Commission.
2. Review Provisions and Zoning Districts Allowed: Except as provided above, wireless communication antenna and their accessory equipment and shelters shall be considered a Special Land Use.
3. Additional Information Required for Review: In addition to the requirements for site plans and special land uses, the following information shall be provided by the applicant when applying to construct a wireless communication antenna:
 - a. Name and address of the proposed operator of the site.
 - b. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.
 - c. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
 - d. A statement by a registered professional engineer licensed to practice in Michigan that the proposed commercial wireless communications tower will be installed in accordance with the manufacturer's specifications and all applicable local, State and federal regulations. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
 - e. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - f. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
 - g. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Milton Township, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennas within the Township, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - h. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.

4. Once all required materials are submitted, the Planning Commission shall review the application in accordance with the standards of Section 15.03 of this Chapter and shall either approve, approve with conditions, or deny the application within 90 days of receipt of all required information, as determined by the Zoning Administrator. If the Planning Commission does not approve, approve with conditions, or deny the application within 90 days, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.
6. General Provisions: Construction of wireless communication antenna including its accessory equipment and/or structures is permitted in Milton Township as a special land use and is subject to the following provisions:
 - a. A communication antenna may be considered either a principal or accessory use and shall be placed on parcels (whether the land is owned or leased by the tower or antenna owner) which have an area not less than the minimum parcel area and width for the district, except that the leased area in which the tower is located may have an area or width that is less than the minimum required.
 - b. All setbacks for the zoning district shall be met and in addition, no tower or antenna shall be placed closer to any property line than the radius of the certified fall zone and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit wireless communication antenna as a Special Land Use.
 - c. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by Milton Township. All wireless communication antenna must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - d. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
 - e. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
 - f. Monopole or lattice tower design is required. Guyed towers are prohibited.
 - g. All exterior lighting shall be in accordance with applicable federal requirements.
 - h. The Planning Commission may require landscape screening of the service building and fencing.
 - i. Strobe lights shall not be allowed except as required by FAA.

- j. No part of a wireless communication facility shall be used for advertising purposes. The Planning Commission may permit informational signs on the service building(s), fence or tower base that lists the name, address and contact telephone number of the operator, as well as safety-related signs, such as those that signaling “danger” or “no trespassing.”
 - k. Towers or antenna and their accessory equipment and buildings shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
 - l. Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.
 - m. Notwithstanding the provisions of this section, the maximum height for a wireless communication antenna in Milton Township shall be one hundred ninety-nine (199) feet.
7. Removal of Abandoned Antennas and Towers: A wireless communication antenna that is unused for a period of twelve (12) months shall be removed at the owner’s expense. The applicant or owner is responsible for the removal of an unused tower. Failure to remove the wireless communication tower following reasonable notice shall be sufficient cause for the Township to regard the facility as a nuisance per se and remove the structure.
8. Bonds: The Planning Commission may require the owner of a wireless communications antenna; including equipment/accessory buildings, to post a bond with Milton Township in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Planning Commission as a condition of approval.
9. Nonconforming Towers.
- a. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower shall comply with the requirements of this Ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.
 - b. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

Chapter 16 – Nonconformities

Section 16.01 General Provisions for Nonconformities

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Chapter.
3. A lawful use of land or structure which is under construction at the time of adoption of this Ordinance, which was lawfully permitted before the enactment of this Ordinance, shall be permitted to continue as a nonconformity, subject to the provisions of this Section.

Section 16.02 Nonconforming Uses

1. A nonconforming use may be moved only if the movement does not increase the degree of nonconformance.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, with written notification by Zoning Administrator, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - b. The property, buildings, and grounds, have fallen into disrepair.
 - c. Signs or other indications of the existence of the nonconforming use have been removed.
 - d. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed in use to another use that is also nonconforming. Once a conforming use is established the prior nonconforming use may not be reestablished.
4. A nonconforming use may be enlarged or increased up to twenty five percent (25%), after review and approval by the Zoning Board of Appeals, which may place reasonable conditions on the expansion. Such enlargement or increase can occur only once. An approved expansion of a nonconforming use shall go through the site plan review process pursuant to Chapter 13 after the ZBA has made its determination with respect to the expansion of the use.

Section 16.03 Nonconforming Buildings and Structures

1. The expansion of a nonconforming structure shall be permitted provided that the expansion complies with this Ordinance and does not increase the degree of nonconformance.
2. Structures in a designated floodway, as determined by the Federal Emergency Management Agency (FEMA) shall not be expanded in any way.
3. In the event any nonconforming building or structure shall be damaged or destroyed by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed sixty (60%) of its replacement value, as determined by the Building Inspector.
4. An historic barn may be restored to its original building footprint if damaged or destroyed by fire, wind or an act of God or the public enemy, regardless of the extent of the damage.
5. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in greater compliance with the provisions of this Ordinance.
6. In the event any nonconforming building or structure is demolished by the property owner to an extent of greater than sixty (60%) of its replacement value it may not be rebuilt or restored except in compliance with all provisions of this Ordinance and other applicable laws or Ordinances.

Section 16.04 Nonconforming Lots of Record

1. A nonconforming lot (legally created and registered) may be used for the purposes for which it is zoned, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
2. Combination of Nonconforming Lots
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - 1) Are in common ownership.
 - 2) Are adjacent to each other or have continuous frontage.
 - 3) Individually do not meet the lot width or lot area requirements of this Ordinance.
 - b. Parcels meeting the provisions of subsection 2(a), above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

Section 16.05 Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and lots, provided there is no change in the nature or character of such nonconforming uses.

Section 16.06 Repairs and Alterations

1. Normal maintenance of a nonconforming structure, or of a building or other structure containing a nonconforming use, is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
2. No structural alterations shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - a. When the alteration is required by law.
 - b. When the alteration will actually result in eliminating the nonconforming use.

When a building containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

Chapter 17 – Zoning Board of Appeals

Section 17.01 Authorization

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Zoning Board of Appeals.

Section 17.02 Membership

1. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board.
 - a. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission; the second member may be a member of the Township Board; the additional members shall be selected from the electors residing in the township. The Township Board member shall not serve as chair.
 - b. The additional members shall not be elected officers or employees of the Township Board. The additional members shall be appointed for three (3) year terms; the Planning Commission and Township Board representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
2. The Township Board may appoint up to two (2) alternate members for the same terms as the regular members.
 - a. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings.
 - b. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - c. The alternate member shall serve in the case until a final decision is made.
 - d. The alternate member shall have the same voting rights as a regular member when called.

Section 17.03 Duties and Powers

1. Appeals: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
2. Interpretation: The Zoning Board of Appeals shall have the power to:
 - a. Hear and decide upon request for the interpretation of the provisions of this Ordinance; and
 - b. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator.
 - c. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
3. Variances: The Zoning Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
4. The Zoning Board of Appeals shall not have the authority to hear or decide upon a use variance.

Section 17.04 Meetings

Meetings shall be open to the public, and shall be held at the call of the Chairman and at other times as the Zoning Board of Appeals shall specify in its rules of procedure.

Section 17.05 Applications and Hearings

1. An application to the Zoning Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Township Board, which shall be paid to the Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Zoning Board of Appeals may request additional detail on the drawing or other information, which they deem necessary to make a decision on the application.
2. Upon receipt of a complete application, a public hearing shall be scheduled in accordance with Section 18.07.
3. The Zoning Board may recess the hearing from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Section 17.06 Decisions

1. The concurring vote of a majority of the total membership stated in Section 17.02, A of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this ordinance.
2. The Zoning Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held.
3. Any decision of the Board shall not become final until the decision of the Board has been certified in writing by the chair of the Board, or until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals.
4. The decision of the Board of Appeals shall be final; however, any person having an interest affected by the decision shall have the right of appeal to the Circuit Court on questions of law and fact within 21 days of the final decision.
5. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
6. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.
7. The ZBA may require a performance guarantee and/or impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act

Section 17.07 Appeals

1. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for the appeals shall be filed within thirty (30) days after

such official decision. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.
3. The Zoning Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant that was not otherwise available to the person or body making the decision from which the appeal was taken.

Section 17.08 Review Standards for Variances

A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - c. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - d. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for the conditions or situations.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

Chapter 18 – Administration and Enforcement

Section 18.01 Description and Intent

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

Section 18.02 Administration and Enforcement

1. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. The administrator may be provided with the assistance of other persons as the Township Board may direct, which could include the appointment of an Ordinance Enforcement Officer to enforce violations of this Zoning Ordinance.
2. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 18.03 Zoning Administrator Duties

1. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
 - a. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
 - b. The Zoning Administrator shall evaluate the structure, plans, specification and intended use of any structure. Documented approval shall be provided once the Zoning Official has determined that such structure complies in all respects with this Ordinance. Prior to this approval, it shall be unlawful to commence land clearing or excavation for the construction, relocation, or repair of any structure regulated by this Ordinance.
 - c. The Zoning Administrator shall not approve the issuance of a zoning permit if all final plans, development agreements, escrow fees and any required performance guarantees are not provided to the Township.
 - d. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
 - e. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
 - f. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.

- g. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
 - h. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
2. The Zoning Administrator shall also perform the following duties:
 - a. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
 - b. Review all applications for conditional use permits; conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations and notify the applicant, in writing, of any decision of the Planning Commission.
 - c. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
 - d. Review all applications for amendments to this Ordinance, conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and report to the Planning Commission all such applications together with recommendations.
 - e. Update Zoning Ordinance text and official Zoning Map, and keep it current.
 - f. Be responsible for providing forms necessary for the various applications as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
 - g. Attend all Planning Commission meetings.
 3. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
 4. The Zoning Administrator/Zoning Enforcement Officer shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
 5. The Zoning Administrator may not make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
 6. The Zoning Administrator shall require every application for a Zoning Compliance Permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, be accompanied by a site plan prepared in accordance with specifications of Chapter 12.
 7. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this Ordinance, the Zoning Administrator shall permit a Zoning Compliance permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.

8. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

Section 18.04 Schedule of Fees, Escrow Charges and Expenses Established By Township Board

1. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, Certificates of Occupancy, appeals, Special Land Uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the Township Hall and shall be amended only by the Township Board.
2. An appropriate fee established by the Township Board shall accompany any application. Additionally, the Township Board may establish an escrow policy that will be enforced by the Township Zoning Administrator, Clerk and Treasurer.

Section 18.05 Performance Guarantee

1. As a condition of approval of a site plan review, Special Land Use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
2. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
3. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a building permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
 - b. The amount of the performance guarantee shall be not more than one hundred ten percent (110%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs.
 - c. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
 - d. The Zoning Administrator shall not sign off on the issuance of a Zoning Compliance permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
 - e. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.

- f. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
- g. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- h. The Zoning Administrator shall maintain a record of required performance guarantees.

Section 18.06 Zoning Ordinance Amendments

1. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and also recommend Ordinance amendments to the Township Board for adoption.
2. The following guidelines shall be considered by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
 - a. Text Amendment:
 - 1) The proposed text amendment would clarify the intent of the Ordinance.
 - 2) The proposed text amendment would correct an error in the Ordinance.
 - 3) The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 - 4) The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
 - 5) In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
 - 6) The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
 - 7) The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
 - 8) As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
 - 9) The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
 - b. Map Amendment (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
 - 1) Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Milton Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
 - 2) Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the

proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

- 3) Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
 - 4) Other factors deemed appropriate by the Planning Commission.
- c. Conditional rezoning agreements are prohibited.
 - d. Consideration of Amendment by Township Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Michigan Zoning Enabling Act, as amended, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission. The modified language shall be referred back to the Planning Commission for additional comment.
3. Amendment Procedure
- a. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with 12 copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
 - b. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
 - 1) The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 - 2) The nature and effect of the proposed amendment.
 - 3) If an individual property or several adjacent properties are proposed for rezoning, a location map, showing the location of the properties generally in the township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 - 4) Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
 - 5) All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
 - c. The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and recommendation to the Township Board.
 - d. Before submitting its recommendations to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be provided as set forth in Section 18.07.
 - e. The proposed amendment shall be forwarded to the Cass County Planning Commission for review. The County shall be provided at minimum of thirty (30) days to review the proposed amendment unless the County has, by resolution, waived its right to review Township Ordinances and amendments as outlined in the Michigan Zoning Enabling Act, as amended.
 - f. The Township Planning Commission will transmit the rezoning request together with its recommendation and the comments of the County Planning Commission to the Township

Board for final action. The transmittal to the Township Board will include a record of the comments received at the public hearing and from Cass County, background material developed by the Township Planning Commission on the rezoning request, and the findings which support the Planning Commission's recommendations.

- g. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published accordance with the requirements of the Michigan Zoning Enabling Act, as amended.
4. Sign Required for Rezoning. The applicant of a rezoning request will be required to submit a sign location site plan with the application for rezoning.

a. The rezoning sign must meet the following specifications:

- 1) Letters shall be colored black, and the sign background shall be white.
- 2) The sign shall be a minimum of minimum four (4) feet in height by and six (6) feet wide.
- 3) Sign face shall be an exterior plywood, aluminum, or similar material.
- 4) Wording shall be as follows:

<p>ZONING CHANGE PROPOSED</p> <p>FOR MORE INFORMATION CALL</p> <p>MILTON TOWNSHIP</p> <p>(269) 684-7262</p>	<p>(min. 8-inch high letters)</p> <p>(min. 3-inch high letters)</p> <p>(min. 4-inch high letters)</p> <p>(min. 5-inch high letters)</p>
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- 5) The bottom of the sign face shall be a minimum of 42 inches above the ground.
 - 6) The sign support system must be structurally sound and able to withstand lateral wind of 14 pounds per square foot.
- b. Signs shall be placed on the property proposed for development and in full public view along street or road frontages. The proposed sign must be located along the property line of the right-of-way at the midpoint of the property width.
 - c. A corner lot, or a lot situated on more than one road, will require a sign for each road frontage.
 - d. In no instance shall a sign be located within twenty-five (25) feet of an intersection.
 - e. In unique cases due to the configuration of the property, or natural features the Planning Commission or Zoning Administrator may approve an alternative sign location.
 - f. Rezoning signs shall be installed by the applicant, a minimum of fifteen (15) days prior to the Planning Commission Public Hearing. The rezoning request will not be heard at that scheduled Public Hearing if the rezoning sign is not installed prior to that time. The Zoning Administrator will inspect the sign(s) for appropriate wording, location, visibility, and timing.
 - g. Rezoning signs must be removed within:
 - 1) Seven (7) days of enactment by the Township Board.
 - 2) Seven (7) days of withdrawing rezoning application.
 - 3) Seven (7) days of denial of rezoning request by the Township Board. Failure to remove sign(s) within this period may require removal of the sign(s) by the township at the owner's expense.
 - h. Rezoning signs shall not be required for rezoning requests initiated by Milton Township.

Section 18.07 Public Hearing and Notice Requirements

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be given as follows:

1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. Except as provided in subsection 4 below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - a. The applicant;
 - b. The owner or owners of the subject property;
 - c. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
 - d. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
3. The notice of public hearing shall include the following information:
 - a. A description of the nature of the proposed amendment, application or request.
 - b. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection 4 below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
 - c. State when and where the application or request will be considered.
 - d. Identify when and where written comments will be received concerning the application or request.
 - e. In the case of an amendment to the Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
4. When a proposed rezoning involves the text of the Zoning Ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections 2(b), 2(c) and 2(d), of this Section are not required, and the listing of individual property addresses under subsection 3(b) is not required.
5. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.
6. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time

to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

Section 18.08 Enforcement

1. 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 125.3407 and as otherwise provided by law.
2. 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 to be 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.
3. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
4. Municipal Civil Infraction.
 - a. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-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 Milton Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- b. 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.
 - c. Enforcement. The Milton Township Zoning Administrator, the Milton Township Ordinance Enforcement Officer, any Cass County Sheriff's Deputy and any other individual Township official(s) that may from time to time be designated 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.
5. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

Section 18.09 Zoning Compliance Permit

1. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
2. The permit issued by the Zoning Administrator before any entity is allowed to begin a new residential or commercial building/addition/operation in Milton Township. The Zoning Compliance Permit may be applied for through the Zoning Administrator and, if granted, is valid for one year. One extension of a Zoning Compliance Permit for one additional year may be allowed. A second and final extension of a Zoning Compliance Permit may be granted if 75% of the overall project is proven to be completed.
3. In addition to a Zoning Compliance permit other permits may be required by various county, state and federal entities, copies of which may be required for the property files by the Zoning Administrator or Building Inspector. Such permits include, but may not be limited to:
 - a. An approved driveway permit from the State Highway Department or Cass County Road Commission;
 - b. County Drain Commission approval;
 - c. Septic System Permit from the Department of Public Health;
 - d. Well Permit from the Department of Public Health;
 - e. Soil Erosion and Sedimentation Control permit;
 - f. Electrical, mechanical and plumbing permits;
 - g. Michigan Department of Environmental Quality Permit for wetland, floodplain or inland stream modifications.

Depending on the project, type of development and/or other factors, proof of various inspections and/or certifications of approval and/or completion may also be required for the record by the township.

4. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
5. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has given documented approval of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
6. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
7. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
8. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.

9. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
10. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.

Section 18.10 Stop Work Order

1. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
2. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

Section 18.11 Severability Clause

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 18.12 Repeal of Prior Ordinance

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 18.13 Effective Date

1. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective immediately upon publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Milton Township. Publication shall be preceded by a public hearing and by approval of the Milton Township Board, in that order.
2. This Zoning Ordinance shall become effective on the First day of January, 2017.

I, Steve Sante, the duly elected clerk for Milton Township, do hereby certify that the foregoing zoning ordinance was duly adopted at a regular meeting of the Milton Township Board on December 20, 2016

Chapter 19 – Private Road

Section 19.01 Purpose

The Township has hereby determined that as large tracts of land are divided, sold, transferred, and developed, private access roads are being created to provide access to the newly divided properties that are not subject to regulation under the Michigan Subdivision Control Act and other State regulations. The Township determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private roads to assure:

1. That private roads are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
2. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. That private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

Section 19.02 Definitions

For purposes of this section, the following terms are defined as follows:

1. An "existing private road" is a private road or a private road system which is used to provide access to two or more existing lots, or dwelling units as of the effective date of this Section.
2. An "existing lot" is a lot which, as of the effective date of this Section, meets at least one of the following conditions:
 - a. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Cass County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Cass County Register of Deeds; or
 - b. The lot has been assigned its own permanent parcel number by the Cass County Property Description and Mapping Department and is individually assessed and taxed on that basis; or
 - c. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site condominium" development for which a condominium master deed has been recorded with the Cass County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.
3. An "existing dwelling unit" is a single family home for which a building permit has been issued by the Township as of the effective date of this Ordinance.
4. Driveway - An access road serving not more than one (1) lot.
5. Lot - A parcel of land; real estate.
6. Permit - A private road permit issued pursuant to this ordinance.
7. Private Road - A route which provides vehicular access to a lot or lots and which has not been dedicated to public use

Section 19.03 General Requirements and Application to Existing Private Roads

1. After the effective date of this Ordinance, a private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance. If an additional lot is proposed adjacent to an existing private road, the road shall meet the requirements of Section 19.04 E and a private road permit must be obtained as per Section 19.06. If an existing private road is proposed to be extended then the existing portion shall be improved to meet the standards of this Ordinance. The new portion shall also comply with the standards of this Ordinance
2. Private roads are permitted in all zoning districts.
3. The provisions of this Ordinance shall not apply to access roads internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm, corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this Ordinance include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile home parks, and shopping centers which are otherwise subject to site plan review and approval under the provisions of the Milton Township Zoning Ordinance.
4. The provisions of this Ordinance shall not apply retroactively to an existing private road which provides access to existing lots or dwelling units. Those requirements pertaining to names for private roads and house numbers as contained herein shall apply.
5. Private roads shall not interconnect with the public street network in a manner that will preclude the extension of public streets as necessary to further the logical, orderly, and efficient development of the overall public street network. In making such determination, the Township Board shall consider the circulation pattern and traffic volumes on nearby public streets, existing and proposed land use in the general area, the recommendations contained within the Milton Township Master Plan and Major Street Plan, if any and if applicable, the Street and Highway Plans of the Cass County Road Commission and Michigan Department of Transportation.
6. Where private roads in existence prior to the effective date of this ordinance are to be extended and serving five (5) or less lots, the existing road may be extended provided that the entire private road is improved to the construction specifications of Section 19.04 (E) of this ordinance except for paving.
7. Where private roads in existence prior to the effective date of this ordinance are to be extended and serving six (6) or more lots, the existing road may be extended provided that the entire private road is improved to the construction specifications of Section 19.04 (5) of this ordinance including paving.
8. Where a private road serving five (5) lots or less has been approved and constructed under the terms of this ordinance and is proposed to be extended to serve six (6) or more lots, the existing road may be extended provided that the entire private road is improved to the construction specifications of Section 19.04 (5) of this ordinance including paving.

Section 19.04 Minimum Standards for Private Roads

1. A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.

2. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. Lots fronting on a cul-de-sac may be reduced to forty (40) feet at the front lot line, as long as the lot meets the minimum width requirement at the minimum front yard setback line.
3. A private road shall intersect and connect to a public road. The private road shall have a minimum of sixty six (66) feet of frontage at its access point to the public road. A private road shall not be approved which accesses a public street or road by another private road.
4. A private road serving two (2) or more lots shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting Cass County Road Commission standards as to design, location, and maintenance shall be erected and maintained by the applicant where such private road intersects any public road. The provision shall also apply to existing private roads. A street sign shall be erected within one (1) year after the adoption of this Ordinance.
5. A new private road serving six (6) or more lots, regardless of length, or longer than six hundred and sixty (660) feet in length, regardless of number of lots served, is required to be paved according to M-DOT or Cass County Road standards in effect at the time of application. A new private road which serves five (5) or less lots and is less than or equal to six hundred sixty feet in length is not required to be paved but shall have a minimum width of sixteen (16) feet with a three (3) foot shoulder on each side. Shoulder grading shall not exceed a slope of one half of an inch per foot. The road shall have a minimum of two tenths (0.2) foot crown from centerline to the edge of the road. The road base shall consist of at least a six (6) inch gravel base (MDOT 22A) with a twelve (12) inch sand sub-base (MDOT Class 2). The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table.
6. It is recommended that a private road not exceed a grade of eight (8) percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of one and one-half (1.5) percent.
7. A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Cass County Drain Commission and State of Michigan requirements.
8. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
9. In determining the location of a private road, consideration shall be given to safety of traffic entering and exiting the driveway in relationship with the public road.

Section 19.05 Road Maintenance

The applicant and/or owners of the proposed private road shall provide to the Township Clerk a recorded road maintenance agreement, access easement agreement, and deed restrictions in compliance with Section 19.06 2. e., which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall contain the following provisions.

1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.

2. A workable method of apportioning the costs of maintenance and improvements, including the potential of future paving, if the road is extended to serve six (6) or more lots.
3. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in Section 19.04 and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 5% of the total cost of the improvements.
4. A notice that no public funds of the Township of Milton or Cass County are to be used to build, repair, or maintain the private road.
5. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
6. 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, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.

Section 19.06 Procedure for Review of Private Roads

1. Permit Application and Fee. An application to establish, extend, or relocate a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:
 - a. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
 - b. Permanent parcel number or legal description of the property over which the private road is to be constructed.
 - c. A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
 - d. A scaled drawing showing the location, route, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance.
 - e. A scaled drawing illustrating the proposed lot divisions.
 - f. A road maintenance agreement, access easement agreement and deed restrictions as described in Section 19.05 herein, shall also accompany the application.
 - g. A driveway permit application from the Cass County Road Commission.
 - h. A letter from the Cass County Road Commission indicating there is no known duplication of the proposed private road name and that that such road conforms to the Cass County road name requirements.
2. Review of Permit Application
 - a. The permit application, drawings and other required information shall be forwarded to the Planning Commission upon review by the Zoning Administrator to determine compliance with the standards for private roads.

- b. The Planning Commission shall review this information and may consult with the applicable Township Fire Chief, Attorney, Engineer or Planner as deemed necessary. A quorum of the Planning Commission shall be present to review and decide upon the permit application.
- c. If the Planning Commission finds that the application meets the requirements of this Ordinance, it shall then approve by a majority of the membership the application and direct the Zoning Administrator to issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township. This construction permit is not a Private Road Permit and does not authorize the construction of any dwelling units on the private road. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.
- d. If the Planning Commission denies the application, the Planning Commission meeting minutes shall be provided to the applicant within fourteen (14) working days of the date of the Planning Commission meeting.
- e. Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator the following: a) A letter documenting that the private road has been constructed in compliance with the approved private road plans. This letter can be obtained as a result of the applicant contracting with a licensed professional road or civil engineer or as a result of contracting with the engineers from the Cass County Road Commission. Documentation shall be provided demonstrating that the road maintenance agreement, access easement and deed restrictions have been recorded with the Cass County Register of Deeds office, and Documentation shall be provided demonstrating that an access permit for the private road has been obtained from the Cass County Road Commission.
- f. Private Road Permit Issuance - Upon approval of all items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.
- g. Permits for Dwellings on Private Roads - A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a Private Road Permit has been issued by the Township and the road has either been completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Township, to insure construction of the private road in accordance with the approved private road construction permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.
- h. Permits for Dwellings on Existing Private Roads and Existing Lots - A Private Road Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot which derives its primary access from an existing private road as defined herein except as provided in Section 19.03 herein.

Section 19.07 Township Liability

The owner(s) of the private road agree by applying for and securing a permit to construct the private road that they shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant. Such wording shall be included in the maintenance agreement document required to be referenced by each deed for lots served by the Private Road.

Section 19.08 Appeal Process

Any person affected by a decision regarding this Ordinance shall have the right to appeal the decision to the Township Zoning Board of Appeals within twenty one (21) days. Such appeal shall be filed with the Township Clerk in writing and shall state the reasons for appeal and any documents in support thereof. The appeal must be filed according to the Zoning Board of Appeals process as described in the Milton Township Zoning Ordinance. The Township Zoning Board of Appeals shall establish a time for hearing the appeal. Written notice of such hearing by first class mail shall be provided to all adjacent properties which depend or may depend in the future on the private road for access and all properties within 300 feet of such private road and to all Planning Commission members. Such notice shall be given not less than seventy-two hours prior to such hearing. The decision of the Township Zoning Board of Appeals shall be set forth in writing and be delivered to the applicant within ten (10) calendar days following the hearing. The decision of the Township Zoning Board of Appeals shall be final. An appeal may be taken to Circuit Court. The Township Zoning Board of Appeals shall grant variances for private roads only upon a finding, from reasonable evidence that the following facts and conditions exist:

1. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest. The possibility of increased financial return shall not of itself be deemed sufficient to a variance.
2. That the condition or situation of the specific piece of property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such conditions or situation.
3. That by reason of exceptional narrowness in width, breadth, length, or shape of specific piece of property on the effective date of the Ordinance, or by reason of unusual topographic conditions, or other extraordinary situation or condition of the land, building, or structure or of the use of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.
4. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance is observed, public safety secured and substantial justice done.