

# Zoning Ordinance

**Township of Surrey  
Clare County, Michigan**

**Ordinance No. 17**

**Date of Adoption: December 2, 2003**

## **Amendments Include:**

**Amendment 2005-01 – Adopted May 10, 2005**

**Amendment 2005-02 – Adopted June 30, 2005**

**Amendment 2005-03 – Adopted July 12, 2005**

**Amendment 2006-01 – Adopted March 24, 2006**

**Amendment 2006-03 – Adopted September 20, 2006**

**Amendment 2006-05 – Adopted November 14, 2006**

Original Prepared by:

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# Surrey Township Clare County, Michigan

December 2, 2003 Edition Adopted by:

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Carol Dixon, Clerk  
Esther Pitchford, Treasurer  
David Coker, Jr., Trustee  
Russell Hamilton, Trustee

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Richard M. Reuther

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## Zoning Administrator

Doug Anger (September 2006 to Present)  
Dave Williams (Until August 2006)

## Township Attorney

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**Amendments:**

<b><u>No.</u></b>	<b><u>Date Adopted</u></b>	<b><u>Effective Date</u></b>	<b><u>Section</u></b>
2005-01	05-10-05	05-25-05	Multiple
2005-02	06-30-05	07-23-05	Article II & Article XII
2005-03	07-12-05	07-31-05	Article III & Article IX
2006-01	03-24-06	04-28-06	Article III
2006-03	09-20-06	10-09-06	Article XIV, Sections 1405 & 1413
2006-05	11-14-06	12-04-06	Multiple due to Zoning Enabling Act
_____	_____	_____	_____
_____	_____	_____	_____

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# Article I In General

## Section 100 Title

This Ordinance shall be known and may be cited as the SURREY TOWNSHIP ZONING ORDINANCE.

## Section 101 Purpose (Restated with Amendment 2006-05)

This chapter's provisions are established pursuant to the authority conferred by the Michigan Zoning Enabling Act, being Public Act 110 of 2006. As described in that act, the purpose of a Zoning Ordinance is to:

1. Promote public health, safety, and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
3. Conserve natural resources and energy.
4. Meet the needs of residents for natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
5. Insure that uses of land are situated in appropriate locations and relationships.
6. Avoid the overcrowding of population.
7. Provide adequate light and air.
8. Lessen congestion on public roads and streets.
9. Reduce hazards to life and property.
10. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.

11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The Zoning Ordinance shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.

## Section 102 Rules of Construction

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not defined in **Article II** shall have the meaning customarily assigned to them.
10. "Township" shall refer specifically to the Township of Surrey.

**Section 103 Severance Clause**

Sections of this chapter shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 104 Effective Date**

The following Zoning Ordinance was approved by the Township Planning Commission on October 22, 2003, following a Public Hearing on October 22, 2003.

The following Zoning Ordinance was adopted by the Township Board of Trustees on December 2, 2003.

A notice of adoption of this Zoning Ordinance was published in a newspaper

having general circulation in Surrey Township on December 12, 2003, with an effective date of December 19, 2003.

A public hearing having been held, the provisions of this chapter are hereby given immediate effect, pursuant to the provisions of Act 184 of the Public Acts of Michigan of 1943, as amended.

## Article II Definitions

1. **Accessory Building or Structure:** A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building.
2. **Accessory Use:** A garage, carport, shed, pole barn, canopy or other similar use and improvement normally incidental and subordinate to the main use of the land or building, with the accessory use being in reasonable conjunction with the uses permitted in the zoning district.
3. **Adult Care Organization:** A facility for the care of persons over eighteen (18) years of age, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:
  - a. **Adult day care facility:** A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over eighteen (18) years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.
  - b. **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
  - c. **Adult foster care small group home:** A facility with the approved capacity to receive twelve (12) 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 for compensation.
  - d. **Adult foster care large group home:** A facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be 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, for compensation.
  - e. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Entertainment Business:** A business or commercial enterprise engaging in any of the following, provided all buildings and uses comply with all applicable local and state regulations:

- a. **Adult Arcade:** Any place to which the public is permitted or invited where coin operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- b. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
  - i. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
  - ii. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal

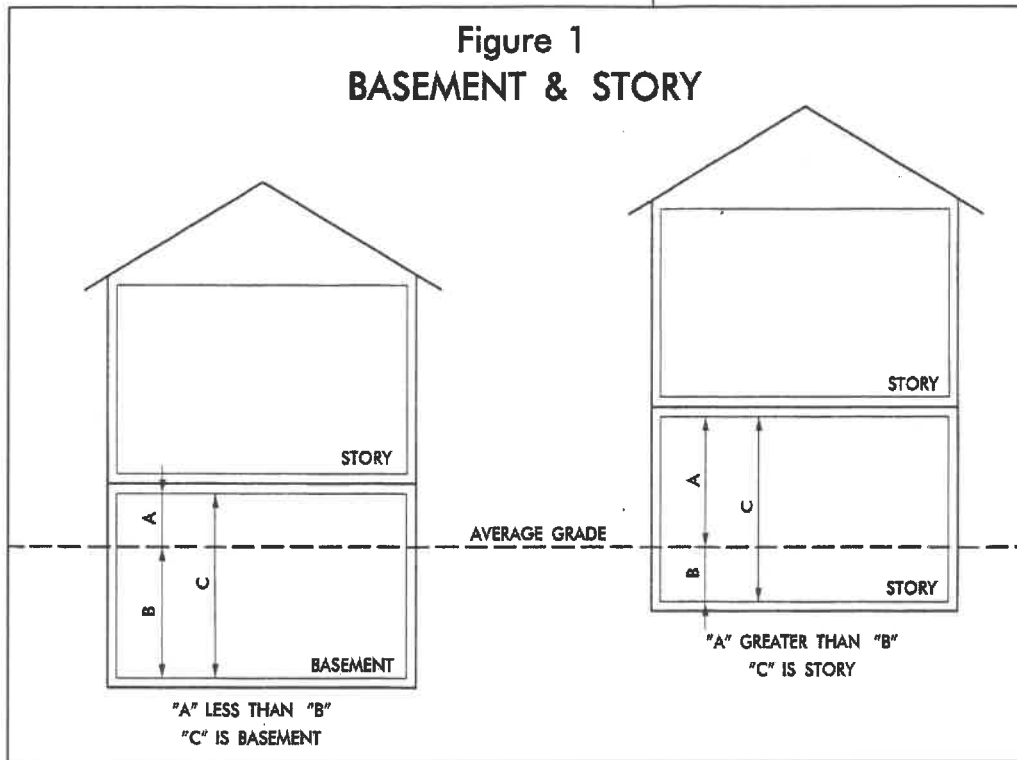
business purpose of an establishment if it comprises thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

- c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
  - i. Persons who appear in a state of nudity;
  - ii. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - iii. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - iv. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.
- d. **Adult Motel:** A hotel, motel or similar commercial establishment that:
  - i. 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 advertises the availability of any of the above;
  - ii. Offers a sleeping room for rent for a period of time that is less than

- twelve (12) hours; or
- iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
  - f. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
  - g. **Specified Anatomical Areas:** Are defined as:
    - i. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, and female breast below a point immediately above the top of the areola; and
    - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - h. **Specified Sexual Activities:** Means and includes any of the following:
    - i. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
    - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
    - iii. Masturbation, actual or simulated; or
    - iv. Excretory functions as part of or in connection with any of the activities set forth in (i) through (iii) above.
- 5. **Agriculture:** The use of land as a "Farm" or "Farm Operation" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
  - 6. **Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.
  - 7. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
  - 8. **Alterations:** Any change, addition or modification in construction or type of use of 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 as "altered" or "reconstructed."
  - 9. **Architectural Features:** Architectural features of a building may include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.
  - 10. **Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
  - 11. **Basement:** At least two sides of a building which are partly or wholly 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. A basement shall not be counted as a story (see **Figure 1**).

canoes are stored, rented, sold, repaired, decked and serviced.



17. **Buffer Strip:** See Greenbelt definition.

18. **Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

19. **Buildable Width:** The width of a lot

12. **Bed and Breakfast Facility:** Any family occupied dwelling used as a bed and breakfast facility as defined in Section 4b of Michigan Public Act 230 of 1972, as amended.

13. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.

14. **Board of Appeals:** As used in this Ordinance, this term means the Surrey Township Zoning Board of Appeals.

15. **Boarding, Lodging, or Rooming House:** A building other than a hotel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3), but less than twenty-one (21) persons at a time for compensation.

16. **Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or

left for building after required side yards are provided.

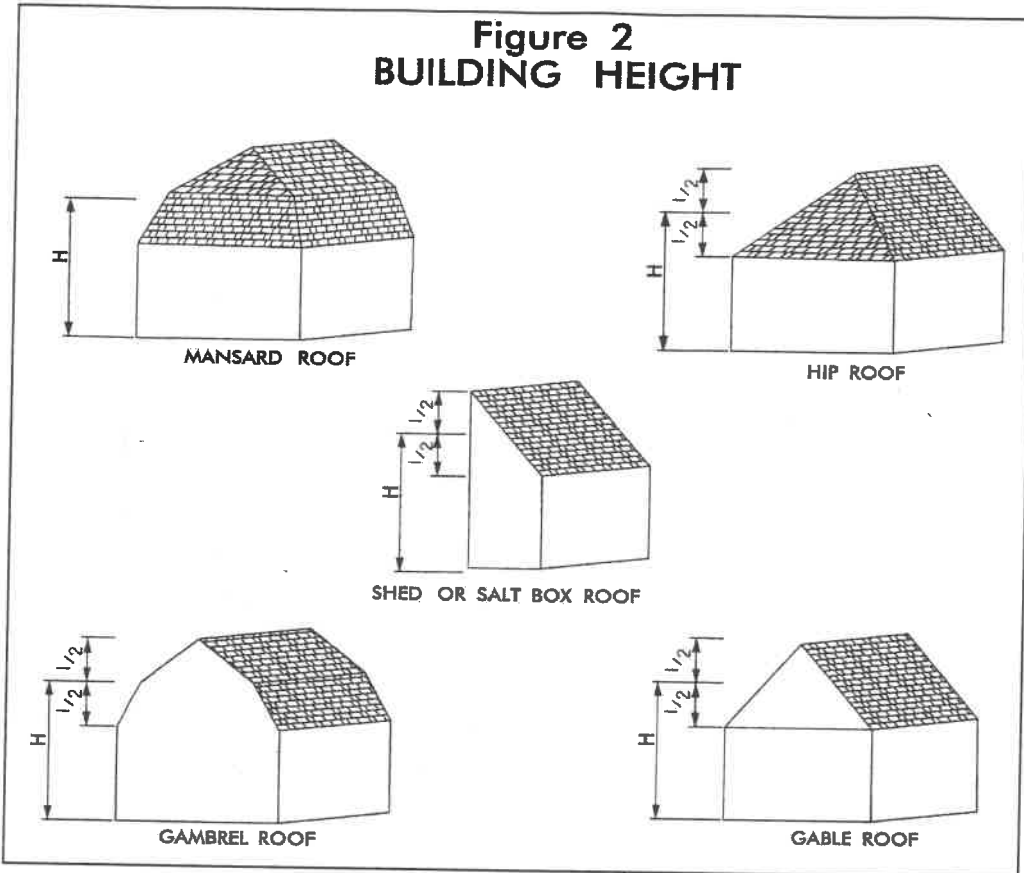
20. **Building:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.

21. **Building Height:** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping the ground level is measured at the average wall line (see **Figure 2**).

22. **Building Permit:** A building permit is the written authority issued by the Building Inspector of the Township or County permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this



**Figure 2  
BUILDING HEIGHT**



Such organizations shall be further defined as follows: (2005-01 Amendment)

**a. Child day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the

Ordinance and the B.O.C.A. Building Code.

23. **Bulk Station:** A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
24. **Campgrounds:** Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.
25. **Child Care Organization:** Means a facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358 (11) et seq.), as amended, and associated rules promulgated by the State Department of Consumer and Industry Services.

parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. (2005-01 Amendment)

A child day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. (2005-01 Amendment)

- b. **Family day care home:** A private home in which two (2) but less than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or 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. (2005-01 Amendment)

- c. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks a calendar year. (2005-01 Amendment)
- d. **Child caring institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed. (2005-01 Amendment)
- e. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian. (2005-01 Amendment)

- 26. **Church:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
- 27. **Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.
- 28. **Club:** Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.
- 29. **Cluster Development:** A development designed to concentrate buildings on a part of a site allowing remaining land to remain open.
- 30. **Condominium Unit:** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance. All condominium units are created and recorded under the provisions of the Condominium Act, Public Act 59 of 1978, as amended. (See also Site Condominium Projects)
- 31. **Convalescent or Nursing Home or Senior Assisted Living Home:** A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under State law.
- 32. **Drive-Through Business:** Any restaurant, bank or business with an auto service window.
- 33. **Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living,

cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. (See also Recreational Vehicle definition.)

- a. **Single-Family Dwelling:** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - b. **Two-Family Dwelling:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - c. **Multiple-Family Dwelling:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
34. **Efficiency Unit:** A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.
35. **Erected:** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or

structure, shall not be considered to fall within this definition.

36. **Essential Services:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, 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 for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.
37. **Excavating:** The removal of sand, stone, gravel, or soil.
38. **Family:** A Family is defined as either:
- a. A group of two or more people related by blood, marriage, legal guardianship, or adoption, including foster children, living together as a single housekeeping unit in a dwelling unit. (2005-01 Amendment)
- Or.
- b. A group of people plus their offspring having a relationship that is functionally equivalent to a family. The relationship must be of a

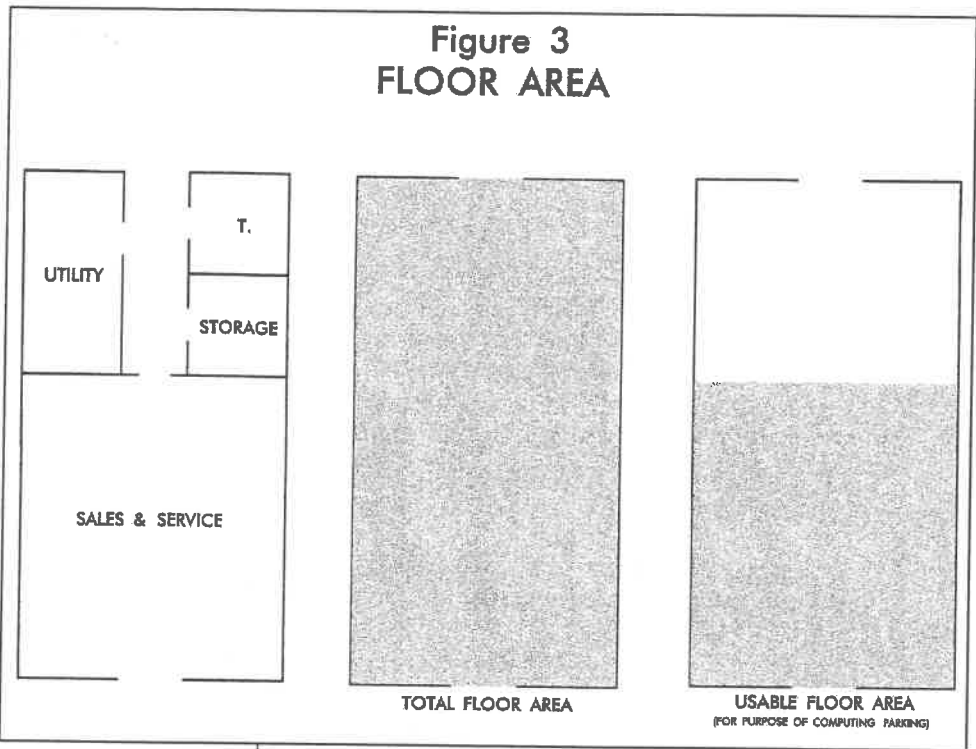
permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization, students or group where a common living arrangement or establishment of a housekeeping unit is temporary. (Added with 2005-01 Amendment)

- 39. **Farm:** All of the contiguous neighboring or associated land operated as a single unit on which legitimate agriculture as defined by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.
- 40. **Fence:** Any permanent or temporary means, except shrubs or hedges, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
- 41. **Garage or Pole Barn-Private:** A building of one hundred (100) square feet or more in floor area used primarily for the storage of vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located.
- 42. **Garage-Public:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles, boats, or other personal property; providing services, parts or used in other commercial activity. The term repairing does not include the rebuilding, dismantling or storage of

wrecked or junked vehicles. (Changed with 2005-01 Amendment)

- 43. **Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.
- 44. **Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.  
  
To calculate average grade for an uneven grade lot, use the following equation:  
  
$$AG = (G1 + G2 + G3 + G4) / 4$$
  
  
AG = Average grade for the lot  
G1 = Average grade for side 1  
G2 = Average grade for side 2  
G3 = Average grade for side 3  
G4 = Average grade for side 4
- 45. **Greenbelt:** A strip of land of definite width and location reserved for the planting of live shrubs and/or trees to serve as an obscuring screen or buffer area in carrying out the requirements of this Ordinance.

**Figure 3  
FLOOR AREA**



46. **Greenhouse:** A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be independently regulated for the cultivation of plants for subsequent sale or personal enjoyment.
47. **Ground Floor Area:** The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, and basement. (see **Figure 3**)
48. **Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or other injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.
49. **Home Based Business:** An occupation conducted entirely within a building or part of a building accessory to a single-family dwelling.
50. **Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential property and which does not alter the exterior of the property or affect the residential character of the neighborhood.
51. **Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such

related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

52. **Hotel or Motel:** A building occupied or used as a predominantly temporary residence by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.
53. **Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
54. **Intensive Livestock Operation:** Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of five hundred (500) or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures,

excavations, or areas directly connected to or associated with such operations.

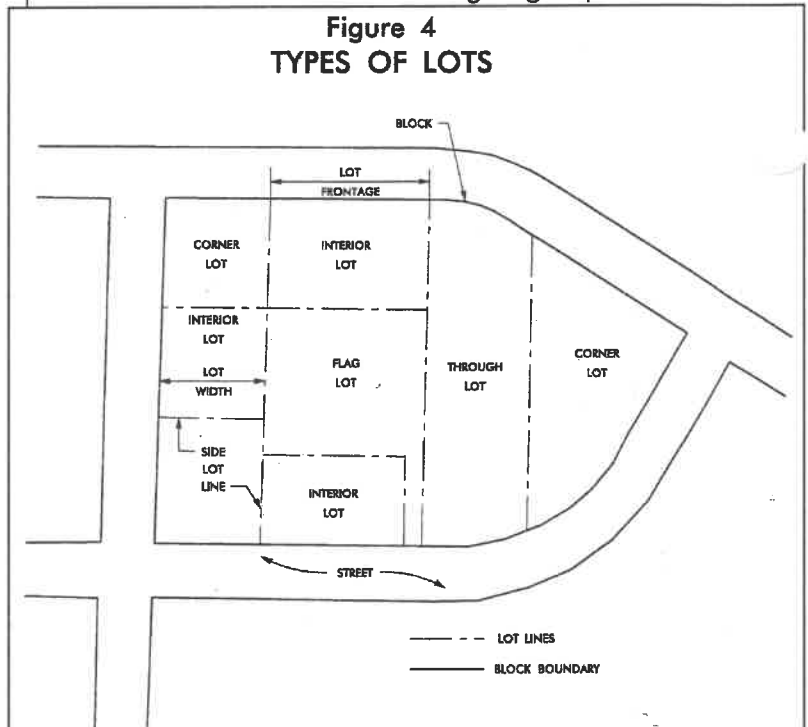
For purposes of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal wastes, with the following equivalencies applicable to various animals.

Species	Animal Unit
Slaughter and Feeder Cattle	1.0
Mature Dairy Cattle	1.4
Horses	2.0
Swine weighing over 55 lb.	0.4
Sheep/Goats	0.1
Turkeys	0.02
Chickens w/overflow watering	0.01
Chickens with liquid manure system	0.03
Ducks	0.2

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

- 55. **Junk:** Any motor vehicle, machinery, appliance, product or merchandise with parts missing or scrap metal or other materials that are damaged or deteriorated.
- 56. **Junkyard:** The use of premises or building for storage or abandonment, keeping, collecting, baling, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.

- 57. **Kennel, Commercial:** Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.
- 58. **Key Hole Development (Funneling):** Three (3) or more non-riparian property owners having access to or right-of-way to the water's edge or having dock privileges. Two or more parcels that would not have road frontage or access to a public or approved private road, but for an access strip, easement, or other non-developmental parcel designed to artificially create road access for the parcel (multiple flag lots, see Figure 4) (Restated with 2005-01 Amendment).
- 59. **Loading Space:** An off-street space on the same lot with a building or group of



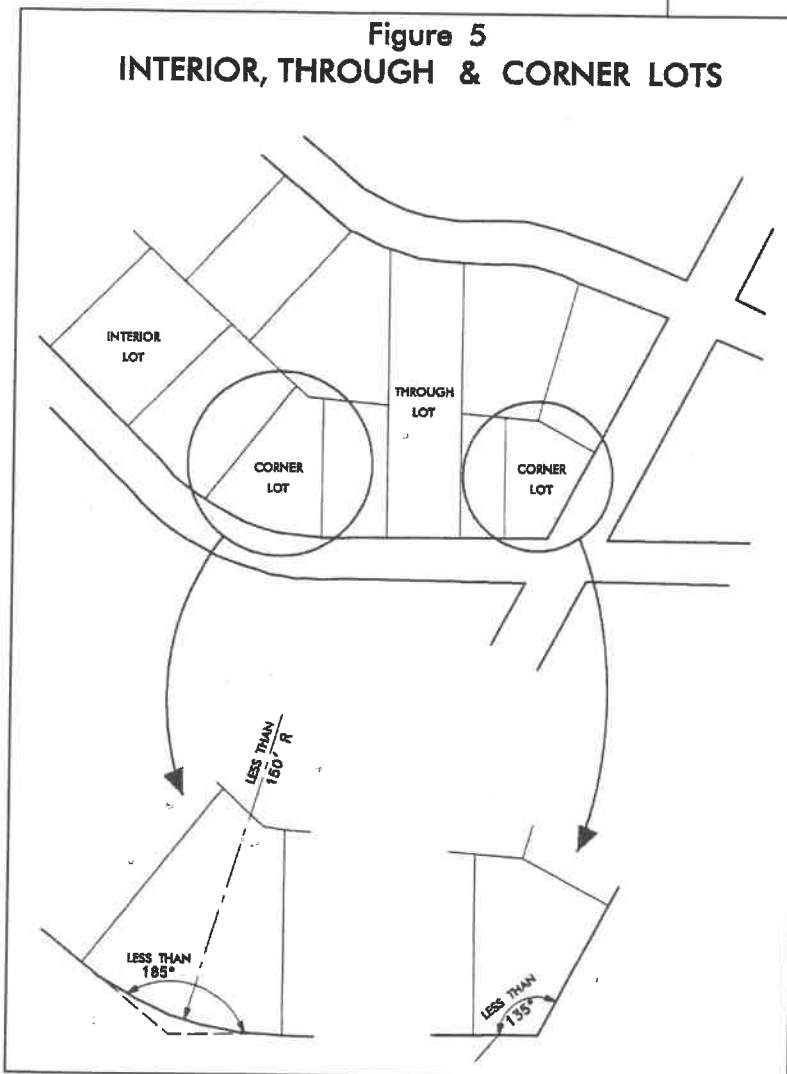
buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

60. **Lot:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or

public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one (1) street shall be designated as the front street

for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line (see Figure 6).

- c. **Interior Lot:** A lot other than a corner lot with only one (1) lot line fronting on a street.
- d. **Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
- e. **Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.



traffic lane (see Figure 4).

- a. **Corner Lot:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less (see Figure 5).
- b. **Front Lot Line:** In the case of an interior lot abutting upon one (1)

- f. **Lot of Premises:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

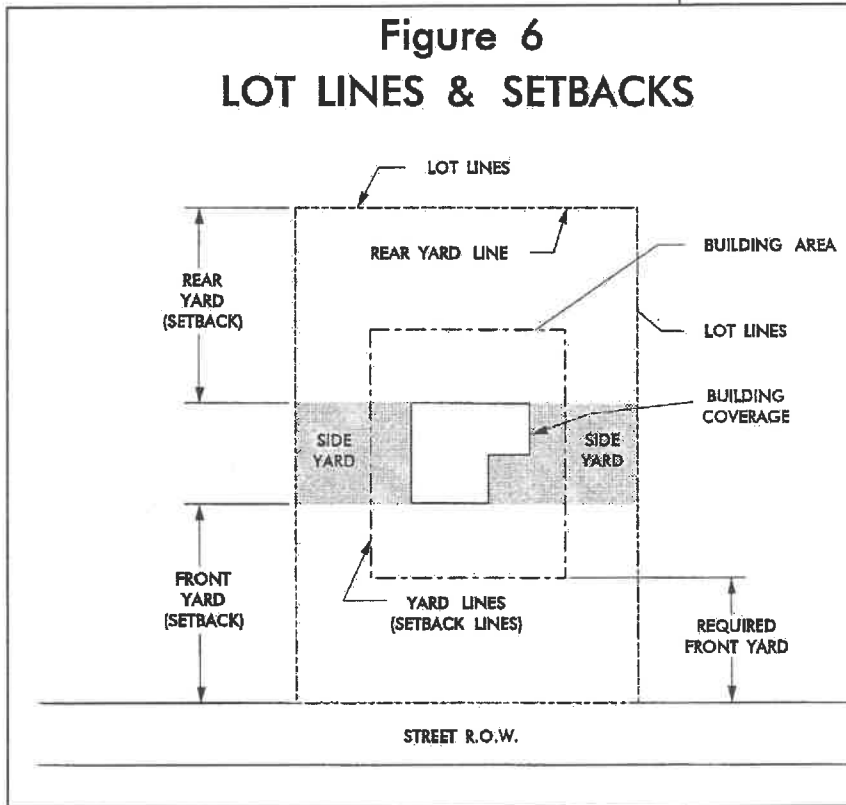
- g. **Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Clare County Register of Deeds on or before the effective date of this Ordinance.
- h. **Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line

another lot or lots is an interior side lot line.

- k. **Through Lot:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- l. **Waterfront Lot:** A lot having frontage directly upon a river, stream, or a natural or man-made lake. The portion adjacent to the water is considered the front of the lot.

- m. **Zoning Lot:** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

- 61. **Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one (1) section, is built on a permanent



intersects the side lot line.

- i. **Rear Lot Line:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- j. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from

chassis and does not have hitch, axles, or wheels permanently attached to the body frame.

- 62. **Massage Establishments:** Any establishment where massages are administered for pay, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include hospital, nursing home, medical clinic, or the office(s) of a physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist duly licensed by the State of Michigan, nor a barber shop or beauty shop in which massages are administered only to



the scalp, the face, the neck, or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, WMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area.

63. **Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.
64. **Migratory Labor:** Temporary or seasonal labor employed in planting, harvesting, or construction.
65. **Mobile Home:** See Manufactured Home definition.
66. **Motor Home:** See Recreational Vehicle definition.
67. **Native Vegetation Strip:** See Greenbelt definition.
68. **Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.
69. **Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat;

electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night; and passenger traffic.

70. **Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.
71. **Off Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
72. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:
- a. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
  - b. Outdoor display and sale of factory-built garages and sheds, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar activities.
  - c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
  - d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
  - e. Flea markets, tool sales, or other outdoor sales excluding yard sales.
73. **Ordinary High Water Line:** Is defined as in the Michigan Inland Lakes and Stream Act to mean 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high-established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

74. **Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.
75. **Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
76. **Permitted Use:** A use of a property (land or building) that is allowed so long as all other zoning regulations are followed and so long as the necessary applications are made and permits obtained.
77. **Pick-up Camper:** See Recreational Vehicle definition.
78. **Place of Worship:** See Church definition.
79. **Planned Unit Development (PUD):** Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

80. **Planning Commission:** The Planning Commission of the Township of Surrey, Clare County, Michigan as authorized by Act 168 PA. 1959, as amended.

81. **Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed or screened, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

82. **Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

83. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

84. **Private Road:** Private roads shall be defined as follows:

A private road is a drive, trail, easement, or other roadway servicing five or more dwelling units, constructed on or after effective date of this ordinance. (Changed with 2005-01 Amendment)

b. A private road is not maintained by the public. Maintenance, improvements, and snow removal are the responsibility of private property owners. (Changed with 2005-01 Amendment)

85. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

86. **Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste

- water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.
87. **Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.
88. **Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to a manufactured home.
89. **Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one (1) or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.
90. **Retail Store:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
91. **Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.
92. **School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.
93. **Setback:** The distance between a building or structure (excluding any uncovered steps or unenclosed or uncovered porches) and a front, side, or rear lot line.
94. **Sexually Oriented Business:** See Adult Entertainment Business.
95. **Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
96. **Private Driveway:** A private driveway serving one (1) to four (4) dwelling units and constructed of suitable materials and in such manner to provide ample support and safe passage for emergency vehicles and service trucks. A minimum clearance width and height of 12 feet is recommended. Maintenance, improvements, and snow removal are the responsibility of the private property owners. (Added with 2005-02 Amendment)
97. **Site Condominium:** A system of separate ownership of individual units or multi-unit projects according to Michigan

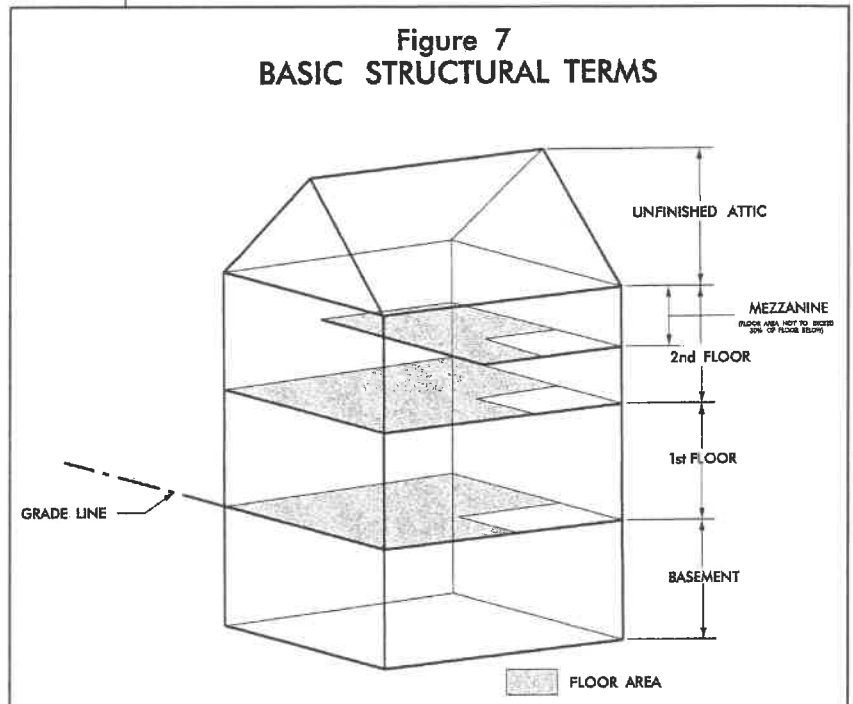
Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- a. **Common elements:** Portions of the condominium project other than the condominium units.
- b. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of this Ordinance. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance
- c. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project
- d. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the

bylaws for the project and the condominium subdivision plan.

- e. **Site condominium project:** A condominium project designed to functions in a similar manner, or as an alternative to a platted subdivision.

- 98. **Special Exception:** Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this Ordinance for



that district upon such approval.

- 99. **Stable, Commercial:** A structure used to house horses for commercial purposes. Commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not include the housing and training of horses by an individual property owner or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one (1) horse per acre of land in the parcel.

100. **Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (see **Figure 7**).

- a. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
- c. An attic shall be deemed a full story when more than fifty (50) percent of the floor area has a ceiling height of at least seven feet-six inches (7'6").

101. **Street, Highway, Road:** A thoroughfare that affords the principal means of access to abutting property (see **Figure 8**).

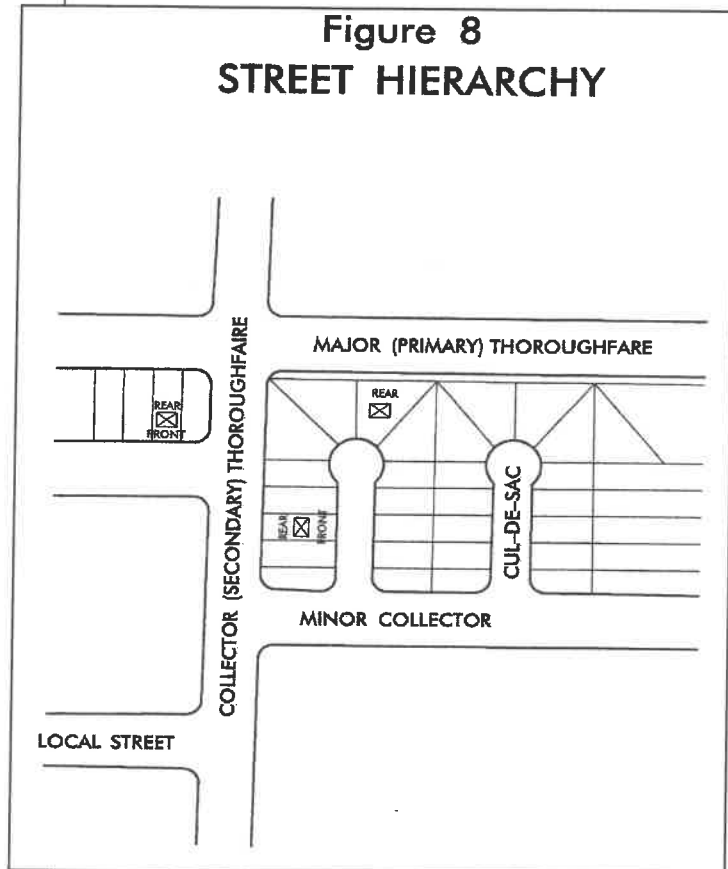
102. **Structure:** A construction or building, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

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

104. **Theater, Indoor:** Any building used primarily for the presentation of dramatic spectacles, shows, movies,

or other entertainment open to the public, with or without charge.

105. **Theater, Outdoor:** Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic



events.

106. **Tourist Home:** See Bed and Breakfast definition.

107. **Township Engineer or Planner:** Any employee, consultant, or other contract employee who is retained by the Township to perform the duties of a professional engineer or planner.

108. **Trailer Coach:** See Recreational Vehicle definition.

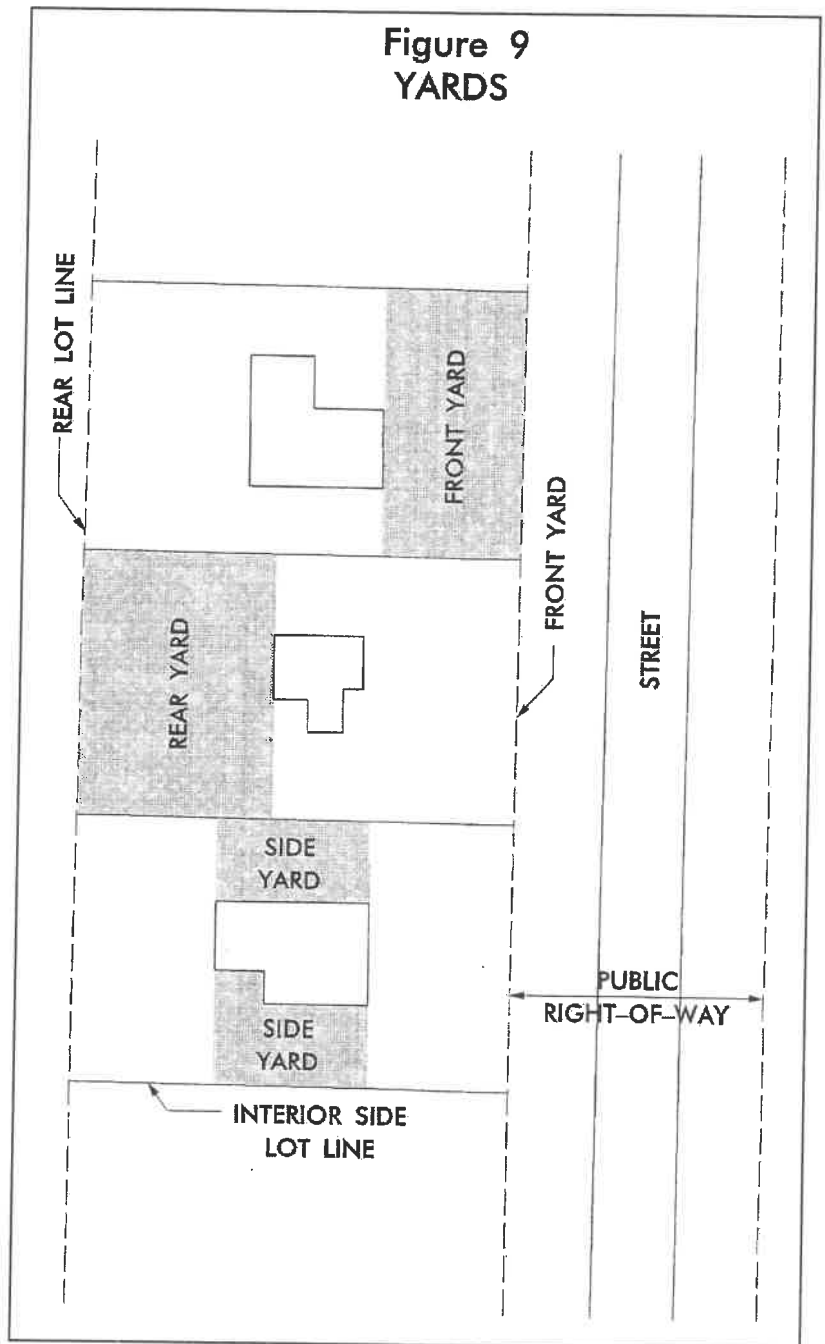
109. **Undevelopable Land:** Land which has soil types or a high water table condition which present severe limitations on septic

tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

110. **Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.
111. **Variance:** A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.
112. **Vehicle Demolition/ Salvage:** Any commercial activity involving the demolition and/or salvage of motor vehicles or engines.
113. **Vehicle Filling Station:** Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.
114. **Vehicle Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning; salvage or storage facility.
115. **Vehicle Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

116. **Vehicle Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
117. **Wireless Communication Antenna (WCA):** Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, and satellite antennas.
118. **Wireless Communication Support Facility (WCSF):** A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.
119. **Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see **Figure 9**).
  - a. **Front Yard:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.
  - b. **Rear Yard:** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
  - c. **Side Yard:** A yard extending between the side lot line and the nearest side of the building.
120. **Zoning Administrator:** The official designated by the Surrey Township Board of Trustees to administer and enforce the provisions of this Ordinance.

121. **Zoning Permit:** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.



## Article III

### Zoning Districts and Map

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#### **Section 300 Districts Enumerated**

For the purpose as defined in **Section 101**, Surrey Township of Clare County shall be divided into the following Zoning Districts:

1. Conservation District - CN
2. Agricultural / Rural Residential District – A-R
3. Single-Family Residential District – R-1
4. Single and Two-Family Residential District – R-2
5. Limited Single-Family Residential District – R-3
6. Commercial District – C-1
7. Light Industrial District – M-1

#### **Section 301 Boundaries**

1. The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this chapter as if fully described in this article.
  - a. Oak Ridge Subdivisions No. 1 and No. 2, both zoned R-1, Single Family Residential District, are repealed and hereby zoned R-3, a Limited Single-Family Residential District. (Amendment 2005-03)
  - b. The Zoning of the property located at 2105 West Ludington Drive 18-014-022-400-03 is changed from R-1 (Single Family Residential) to C-1 (Commercial) to comply with its current use. (Added with 2006-01 Amendment)

c. The Zoning of the property located at 2114 West Ludington Drive 18-014-022-203-12 is changed from R-1 (Single Family Residential) to C-1 (Commercial) to comply with its current use. (Added with 2006-01 Amendment)

2. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Township.
3. Where, due to the scale, lack of detail or illegibility of the zoning map accompanying, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the Board of Appeals.

#### **Section 302 District Boundaries Interpreted**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.



5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1)--(6) of this section, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **Section 303 Zoning of Vacated Areas**

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

### **Section 304 District Requirements**

All buildings and uses in any district shall be subject to the provisions of **Articles XII** and **XIV** of this Ordinance.

## Article IV CN - Conservation District

The following provisions shall apply to the CN Conservation District.

### **Section 400 Intent**

The district is intended for the conservation of state and federal owned land in the Township through the prevention of destruction and loss of natural land and water features and natural historic sites, provision of habitats for wildlife, and conservation and preservation of outdoor recreation uses, including certain lands formerly used for farming.

### **Section 401 Uses Permitted by Right**

1. Public natural resource and conservation areas
2. Practice of forestry and sale of forest products
3. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
4. Public and private parks, playgrounds, picnic areas, beaches, gun clubs, fish ponds and ski resorts
5. Stables, Commercial
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
7. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 402 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Ordinance.

1. Golf courses
2. Roadside stands
3. Single-family dwellings, as accessory to principal uses
4. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception
5. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 403 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article V

### A-R Agricultural/Rural Residential District

The following provisions shall apply to the A-R Agricultural/Rural Residential District.

#### Section 500 Intent

The district is intended for very low density single-family housing as well as the preservation of natural open space lands and lands that are unsuitable for development due to constraints such as flooding, or lack of infrastructure. The district also provides for farming, ranching, and commercial gardening activities.

When land in the Agricultural/Rural Residential District is needed for urban purposes, it is anticipated that the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Master Plan.

#### Section 501 Uses Permitted by Right

1. Single-family dwellings
2. Churches and other places of worship
3. Forestry and wildlife preserves
4. Publicly owned buildings and community facilities, including schools
5. Publicly owned and operated parks and playgrounds including boat launching facilities
6. Roadside stands
7. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
9. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

#### Section 502 Uses Permitted by Special Exception

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Adult care organization
2. Animal sales yards
3. Bed and breakfast facilities
4. Campgrounds and travel trailer parks
5. Canoe liveries
6. Cemeteries, including columbarium, mausoleums and crematories
7. Child care organization
8. Clinics
9. Convalescent or nursing homes or senior assisted living homes
10. Gas and oil processing facilities
11. Golf courses and country clubs
12. Gravel pits
13. Home occupations
14. Intensive livestock operations
15. Kennels, commercial
16. Radio-TV stations, studios
17. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time special approval is granted
18. Resorts
19. Rifle Ranges
20. Sawmills-temporary use not-to-exceed one (1) year
21. Stables, commercial
22. Summer camps

23. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.
24. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

**Section 503    Area and Bulk  
                         Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

# Article VI

## R-1 Single-Family Residential District

The following provisions shall apply to the R-1 Single-Family Residential District.

### **Section 600 Intent**

The intent of this district is to provide for low density, single-family residential development and related public and semi-public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township.

The provisions of this district are intended to protect and stabilize existing single-family developments and to encourage future single-family developments to occur on vacant land suitable for development, contiguous to existing residential land, with adequate public services and utilities. Encroachment by non-residential uses and activities considered capable of adversely affecting the low density residential character of this district is discouraged.

### **Section 601 Uses Permitted by Right**

1. Single-family dwellings
2. Churches and other places of worship
3. Family day care home
4. Golf courses and country clubs
5. Wireless Communication Antennas
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
7. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 602 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Bed and breakfast facilities
2. Campgrounds
3. Group day care home
4. Home occupations
5. Summer camps
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.
7. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 603 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

# Article VII

## R-2 Single and Two-Family Residential District

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The following provisions shall apply to the R-2 Multiple-Family Residential District.

### **Section 700 Intent**

The intent of this district is to provide for an efficient and economic use of land through a mixture of single-family, two-family, and multiple-family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments.

The provisions of this district are intended to provide for the development of such projects with characteristics that are compatible with surrounding areas, while preserving open space and other natural features. It is the intent of this district to locate residential developments near concentrations of nonresidential activities and facilities such as employment centers, with adequate access to major transportation arteries and existing public facilities and services.

### **Section 701 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Boarding, lodging or rooming houses
4. Churches and other places of worship
5. Family day care home
6. Publicly owned and operated parks and playgrounds
7. Wireless Communication Antennas
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
9. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 702 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Multiple-family dwellings
2. Adult care organization
3. Bed and breakfast facilities
4. Convalescent or nursing homes or senior assisted living homes
5. Group day care home
6. Home occupations
7. Manufactured home parks subject to the requirements established by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and the National Mobile Home Construction and Safety Standards Act of 1974.
8. Publicly owned buildings and community facilities, including schools
9. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.
10. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 703 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article VIII

### R-3 Limited Single-Family Residential District

The following provisions shall apply to the R-3 Limited Single-Family Residential District

#### **Section 800 Intent**

The intent of this district is to provide for low density, single-family residential development and related public and semi-public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township. Dwelling units in this district are allowed to have sides not less than fourteen (14) feet in width.

#### **Section 801 Uses Permitted by Right**

1. Single-family dwellings
2. Churches and other places of worship
3. Family day care home
4. Wireless Communication Antennas
5. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
6. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

#### **Section 802 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Bed and breakfast facilities
2. Group day care home
3. Home occupations
4. Accessory uses, buildings and structures customarily incidental to

the uses permitted by special exception.

5. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

#### **Section 803 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article IX

### C-1 Commercial District

The following provisions shall apply to the C-1 Commercial District.

#### **Section 900 Intent**

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.

The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

#### **Section 901 Uses Permitted by Right**

1. Administrative, executive, governmental, and professional offices
2. Boarding, lodging, or rooming houses
3. Carpentry, plumbing, electrical sales, service and contracting offices
4. Clinics
5. Golf driving range and miniature golf
6. Hotels or motels
7. Nurseries
8. Printing, publishing, blueprint, photocopy shops
9. Publicly owned and operated parks and playgrounds

10. Radio and TV sales and service
11. Restaurant, excluding drive-through
12. Retail stores
13. Upholstering
14. Wireless Communication Antennas
15. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
16. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.
17. Existing single-family dwelling. (Added with 2005-03 Amendment)

#### **Section 902 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Bowling alleys
2. Building material sales
3. Clubs
4. Flea markets, tool sales, and other outdoor sales
5. Gas and oil processing facilities
6. Home based businesses
7. Hospitals
8. Kennels, commercial
9. Laundromats, laundries and dry cleaning establishments
10. Malls/strip malls
11. Manufactured and mobile home and travel trailer sales and service
12. Marinas
13. Mini/self storage facilities
14. Restaurants with drive through facilities



15. Single-family dwelling
16. Taverns and bars
17. Vehicle filling stations
18. Vehicle sales and service
19. Vehicle wash establishments
20. Wireless Communication Support Facilities
21. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.
22. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

**Section 903    Area and Bulk  
                         Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

# Article X

## M-1 Light Industrial District

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The following provisions shall apply to the M-1 Light Industrial District.

### Section 1000 Intent

The intent of this district is to provide areas that are appropriate for the industrial needs of the Township. The district may include a variety of mixed wholesale and warehousing activities, light manufacturing, processing and assembly plants, general offices, and research and development. Development in this district is to be restricted to clean industry that does not produce substantial air or water pollution and excessive noise or odor.

The district encourages industrial development to locate at a reasonable distance from heavily inhabited areas with access to major thoroughfares, highways, and railroads. The provisions of this district further intend to discourage residential development or any other development that would hinder or adversely affect the industrial character of the district.

### Section 1001 Uses Permitted by Right

1. Machine shops.
2. Sawmills.
3. Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases.
4. Truck terminal maintenance and repair of trucks and trailers.
5. Vehicle sales and service.
6. Wireless Communication Antennas.
7. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
8. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### Section 1002 Uses Permitted by Special Exception

The following uses are permitted by special exception in accordance with the process outlined in **Article XIII** of this Zoning Ordinance.

1. Adult entertainment businesses.
2. Auto salvage and storage facilities.
3. Foundries.
4. Gravel pits.
5. Junk yards.
6. Kennels, commercial.
7. Major public utility structures such as water towers, electric transmission towers, water or sewage treatment plants, and electric substations.
8. Manufacturing, processing, or sales of fertilizers, feeds and other farm supplies.
9. Production, processing, assembly, manufacturing, or packaging of goods, or materials such as: recreational supplies, toys, etc., including testing, repair, storage distribution and sale of such products.
10. Production, processing, assembly, manufacturing or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage distribution, and sale of such products.
11. Redi-mix concrete, asphalt plants.
12. Reduction, conversion and disposal of waste material.
13. Wireless Communication Support Facilities.
14. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

15. Other similar uses as shall be determined by the Planning Commission and listed no where else in this Ordinance.

### **Section 1003 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article XI Schedule of Regulations

### Section 1100 Purpose

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulate the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area and setback requirements and maximum building heights as established for each district of this Ordinance.

### Section 1101 Footnotes to Schedule of Regulations

1. A maximum lot ratio of one (1) to four (4) (lot depth cannot exceed four (4) times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines, which are perpendicular to the abutting road right-of-way.
2. Front setbacks shall be measured from the street right-of-way
3. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways, porches, or attached garages.

4. In R-1 and R-2 Districts, no side of a dwelling unit shall be less than twenty (20) feet in width.
5. In the R-3 District, no side of a dwelling unit shall be less than fourteen (14) feet in width.
6. The minimum floor space per dwelling unit shall be:
 

Efficiency	350 sq. ft.
One-bedroom apartment	500 sq. ft.
Two-bedroom apartment	700 sq. ft.
Three-bedroom apartment	800 sq. ft.
Four-bedroom apartment	880 sq. ft.
7. A manufactured home park shall comply with all requirements as established in the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
8. Where a platted lot is located on a cul-de-sac, the minimum street frontage shall be forty (40) feet, provided that the lot meets minimum square footage requirements imposed elsewhere in this ordinance. (Added with 2005-01 Amendment)
9. The Minimum Yard Setbacks refer to the placement of a main building or principal residence. (Added with 2005-01 Amendment).

**Table A  
Schedule of Regulations**

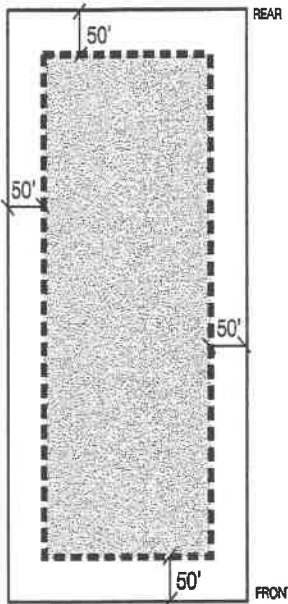
Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks In Feet			Minimum Floor Area per Dwelling Unit in Sq. Ft. (3)	Maximum Building Coverage of Lot
	Area	Width/ Lot Frontage in Ft. (1)	Stories	Feet	Front (2)	Minimum Side Each	Rear		
CN Conservation District	5 Acres	330	3	40	50	50	50	720	25%
A-R Agricultural/ Rural Residential District	2 Acres	160	2-1/2	35	50	25	25	720	25%
R-1 Single-Family Residential District (4)	20,000 Sq. Ft.	100	2-1/2	35	25	10	25	720	25%
R-2 Single and Two-Family Residential District (4), (6), (7)	12,000 Sq. Ft.	80	3	40	25	10	25	(5)	30%
R-3 Limited Single-Family Residential District (5)	20,000 Sq. Ft.	100	2-1/2	35	25	10	25	720	25%
C-1 Commercial District	10,000 Sq. Ft.	80	5	50	25	20	25	--	35%
M-1 Light Industrial District	1 Acre	120	5	50	50	25	25	--	25%

\* See Section 1101 for footnotes

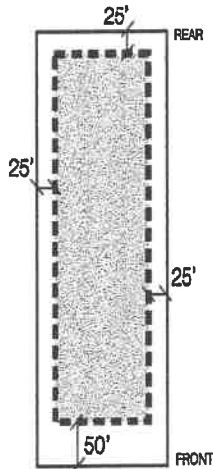
\*See Figure 10 for setback illustrations

# Figure 10 SETBACK ILLUSTRATIONS

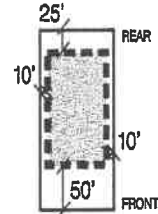
**CN Conservation**  
5 Acres Minimum  
330' Wide x 660' Deep



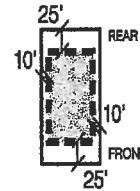
**A-R Agricultural/Rural Residential**  
2 Acre Minimum  
180' Wide x 484' Deep



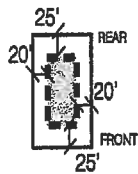
**R-1 Single-Family**  
20,000 Sq. Ft. Minimum  
100' Wide x 200' Deep



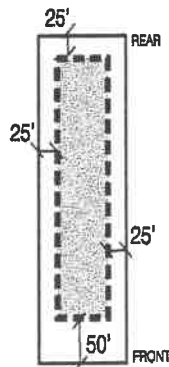
**R-2 Multiple-Family**  
12,000 Sq.Ft. Minimum  
80' Wide x 150' Deep



**C-1 Commercial**  
10,000 Sq. Ft. Minimum  
80' Wide x 125' Deep



**M-1 Light Industrial**  
1 Acre Minimum  
120' Wide x 363' Deep



## Article XII General Provisions

The following provisions apply to all districts.

### **Section 1200 Accessory Buildings, Structures and Uses**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. There shall be no more than two (2) detached accessory buildings allowed on any platted lands.
3. Accessory buildings or structures shall not be erected in any required front or side yard.
4. No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than five (5) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way with the exception of a pool shed not exceeding sixty-four (64) square feet in size.
5. An accessory building may occupy not more than twenty-five (25) percent of a required and platted rear yard. In unplatted lands, the percent of cover is increased to thirty-five (35) percent. (Restated with 2005-02 Amendment)
6. No detached accessory building in residential or manufactured home park zoning districts shall exceed one (1) story or fifteen (15) feet in height.
7. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the

front lot line of the lot to its rear, said building shall not project beyond the front yard line required on either street.

8. Use of camper trailers, manufactured homes, semi-trailers, and other similar vehicles or structures as accessory buildings is prohibited. (Added with 2005-02 Amendment)
9. Special provision related to private garages or private pole-barns. One garage or private pole-barn shall be permitted upon a parcel zoned for residential use without the requirement that a residence or other applicable primary use be first established. Any such structure or use must conform to all other requirements of this ordinance. In such instance, the primary use or zoning classification of the zoning parcel shall nonetheless remain residential and the structure or use established shall constitute an accessory use within the terms of this ordinance. (Restated with 2005-02 Amendment)

### **Section 1201 Adult Foster Care Family Homes and Adult Foster Care Small Group Homes Providing Supervision or Care, or Both, to Six (6) or Fewer Persons**

In accordance with the State of Michigan regulations, said uses shall be permitted within all residential zoning districts and shall comply with all applicable Local Health Department and State Department of Health regulations.

## **Section 1202 Building Grades and Lot Drainage**

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control: The grades for all new development shall be completed so as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.

Grades of a site may be raised above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property, other than dedicated public right-of-way.

Where the grade on site is in any way to be increased above existing grades of the adjacent properties, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer stating the existing and proposed grades and that conditions set forth in Items 1 and 2 of this Section are met.

## **Section 1203 Buildings To Be Moved**

The term "moving of buildings" includes movement of any buildings or structures being relocated within the Township, moved out of the Township or moved into the Township. A building permit is needed when the building is being moved within or to the property lines of a lot or when such move necessitates movement along a County, State or Township road.

Movement of buildings into, within and/or out of the Township shall be approved by the Township Zoning Administrator prior to such moving. Approval shall be contingent upon the Administrator determining that the following conditions have been met:

1. Any person desiring to move a building within or into Surrey Township shall file an application for a building

permit with the Zoning Administrator. Such moving of building application shall contain among other things, the following information:

- a. Name, description and address of applicant.
  - b. A completed Building Permit Application including site plan and building plans.
  - c. Length of time for the anticipated move.
  - d. Evidence that adequate insurance is provided to protect any improvements in the public right-of-way.
  - e. Evidence that adequate police protection has been arranged with the appropriate agency.
  - f. Emergency telephone number for applicant and/or property owner.
  - g. A detailed description of the route and time of the move.
  - h. Proof that the building is capable of compliance with all Township codes and ordinances prior to move.
2. Where a structure is moved into the Township, the structure must comply completely with all codes and ordinances prior to obtaining a certificate of occupancy.
  3. The Township Treasurer must be in receipt of any necessary fee, licenses and bonds.
  4. A cash deposit shall be required by the Township Board to insure that the ultimate moving, erection or construction of the building and the development of the site shall be in accordance with the approved plans and proposals. Such bond shall be in an amount equal to the estimated cost of the construction and the site improvements. The bond will not

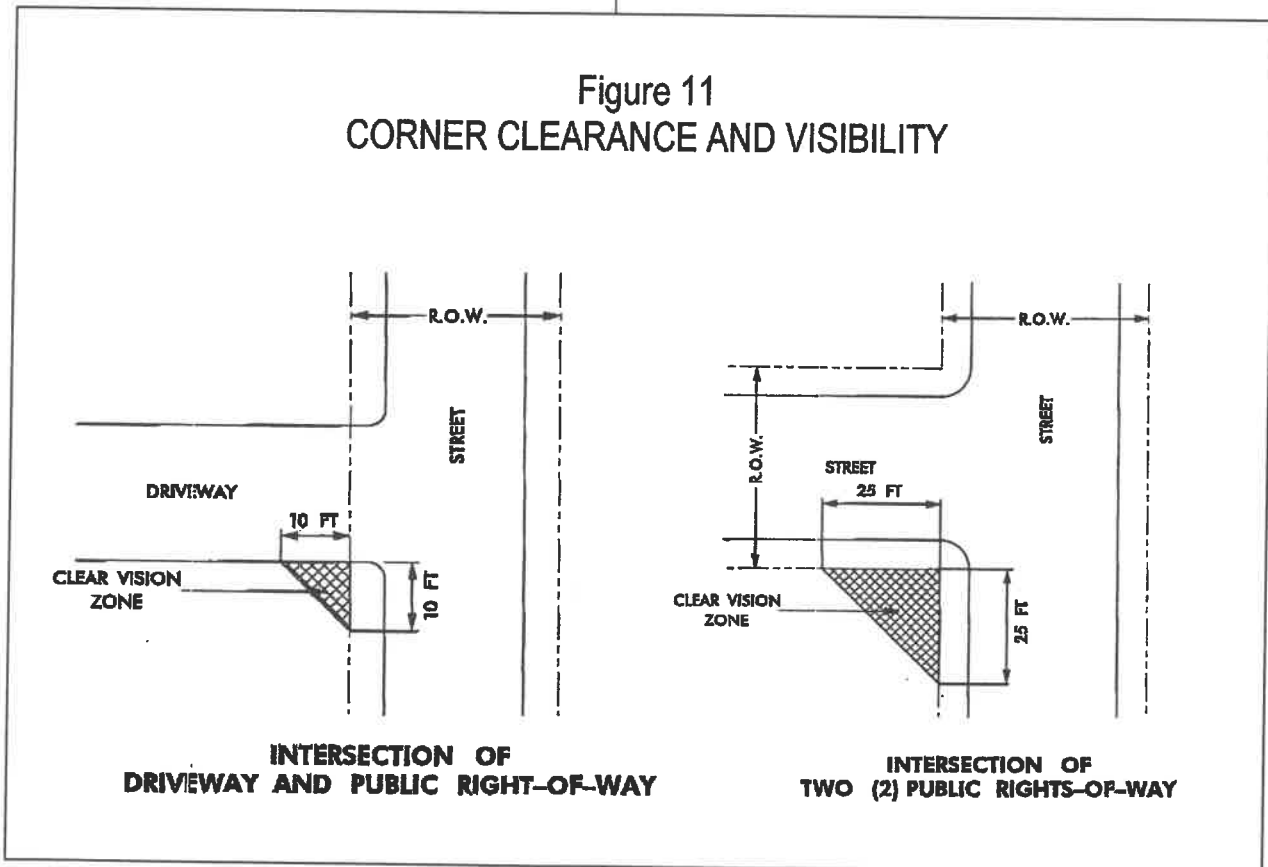


be returned until an occupancy permit has been granted.

### Section 1204 Corner Clearance and Visibility

No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. In the case of a street intersection, such unobstructed corner shall mean a triangular area formed by the street lines

and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street lines extended. In the case of driveway/street intersection, the aforementioned technique shall also be used, however a ten (10) foot dimension situated along the driveway and property line shall be utilized. Decorative fencing which would be approved on a corner could include open weave, split rail or similar fencing. Refer to **Figure 11**.



### Section 1205 Cross District Averaging

When two (2) or more zoning districts are involved within the boundaries of one (1) parcel of land which is under consideration for development of one-family residential use pursuant to Act 591 of 1996, as amended, known as the Land Division Act,

the Planning Commission, upon application from the property owner, may grant a change from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

2. In the case where cross-district averaging is permitted, the following conditions shall be met:

- a. The relocation of lot lines shall generally conform to the existing topography, vegetation, and other natural or manmade features.
- b. No single lot in any individual zoning district shall have an area or width which is less than the minimum required for the higher density zoning district part of the cross district development project.
- c. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.
- d. The submittal shall be reviewed and approved in accordance with the terms, conditions, and standards of the Land Division Act, PA 591 of 1996 (formerly Subdivision Control Act, PA 288 of 1967), as amended.

**Section 1206 Day Care Family Homes and Day Care Centers Providing Supervision or Care, or Both, to Six (6) or Fewer Children**

In accordance with the State of Michigan regulations, said uses shall be permitted within all residential zoning districts and shall comply with applicable Local Health Department and State Department of Health regulations.

**Section 1207 Decks**

A deck associated with a residential structure shall be subject to the following restrictions:

- A deck shall not contain any solid vertical sides.
2. A deck shall not be completely or partially covered by a permanent roof.
  3. A deck shall not extend into any required side, rear, or front yard.
  4. Decks shall be constructed in accordance with requirements of the current County Building Code.

**Section 1208 Dish Type Satellite Signal Receiving Stations**

Dish type satellite signal receiving stations, greater than three (3) feet across, hereafter referred to as stations, may be located in the Township subject to the following provisions:

1. For the purposes of this Ordinance, stations shall be considered as accessory structures. In any residential or manufactured home park zoning districts no dish type antenna shall be placed in a required front yard or required side yard, but may be placed in other yard areas or roofs subject to the same restrictions as set forth for accessory buildings and structures.
2. Stations shall not be linked to receivers which are not located on the same lot as the station.
3. Regardless of however turned or otherwise used, all parts of the station will be set back at least ten (10) feet from the side lot lines and shall be set back from the rear lot line no less than twenty (20) feet.
4. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15) feet, and the maximum diameter of any dish antenna shall not exceed twelve (12) feet.

5. No installation or erection of a station shall commence before a permit is obtained from the Building Official. Fees for such permits shall be established by resolution of the Township Board.

### **Section 1209 Essential Services**

Essential services and public utility facilities as defined by this Ordinance shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township.

### **Section 1210 Excavation (Unauthorized)**

The existence within the limits of Surrey Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes, pits, or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited and declared a public nuisance; provided however, that this Ordinance shall not prevent any excavations under a permit issued pursuant to the provisions of this Ordinance.

### **Section 1211 Fences**

1. Residential Fences. Residential fences are permitted or required, subject to the following:
  - a. Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height. This distance shall be measured from the grade to the highest point of the fence. No fence, wall, or hedge shall rise over four (4) feet in height in front of the house or in the required minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no

fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by this Ordinance, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.

- b. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet. Non-obscuring decorative fencing does not include chain-link fencing.
  - c. Fences shall consist of at least one (1) side that is of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. The finished side of the fence shall face away from the property that is being fenced.
  - d. Fences not used for farm operations shall not contain barbed wire, electric current, or charge of electricity. No fence shall contain concertina or razor wire. (Changed with 2005-01 Amendment).
  - e. Nothing contained herein shall be construed to take precedence over private deed restrictions where more restrictive than the above described regulations.
2. Nonresidential Fences
    - a. Fences located in other than residential districts or on the boundary between such districts shall not exceed six (6) feet in height, measured from the surface of the ground. Where an M-1 use borders a

residential district, a fence may be permitted up to eight (8) feet in height as approved by the Planning Commission.

- b. Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- c. No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by this Ordinance, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.
- d. Fences located within twenty-five (25) feet of an intersection shall not exceed thirty (30) inches in height.
- e. Fences shall not contain barbed wire, concertina wire, razor wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence six (6) feet in height with barbed wire attached to the top of such fence as part of the site plan review process. (Changed with 2005-01 Amendment)

## Section 1212 Greenbelts

- 1. Intent: Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.
  - a. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this Section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.
- 2. Scope of Application: Except as otherwise specified in the Ordinance, the requirements set forth in this Section shall apply to all uses, lots, sites, and parcels requiring site plan review. No site plan shall be approved until said site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this Section have been met or a cash deposit has been posted.
  - a. In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.
  - b. The requirements of this Section are minimum requirements and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.
- 3. Required on outer perimeter: Greenbelts shall be required on the outer perimeter of all lots or parcels, extending to the lot or parcel boundary line as defined by **Appendix A**. Greenbelts shall not be located on any portion of an existing or

dedicated public or private street or right-of-way. Front setback berms may be considered as part of the greenbelt requirement.

4. Illustrations: The illustrations set forth in **Appendix B** to graphically show the specifications of each greenbelt. Any person wishing to develop upon a parcel of land shall be required to provide a greenbelt conforming to those set forth in **Appendix B** between such parcel and any adjacent parcel as specified in **Appendix A**.
5. Installation responsibility: All required greenbelts shall be the responsibility of the proposed higher intensity use and shall be installed prior to the issuance of any building permit providing for the construction of a building resulting in such higher intensity use. All plant materials shall be guaranteed by the owner for at least two (2) growing seasons.

### **Section 1213 Height Exceptions**

Except as herein provided, no building shall be erected or altered to exceed the height limit established by this Ordinance for the zone in which such building is located.

1. Chimneys, church towers and steeples, roof structures for the housing of elevators, stairways, tanks or ventilating equipment, firewalls, skylights, electrical transmission and communication poles, towers and antennas, theater screens, flag poles, smokestacks, water tanks, silos, conveyors or similar structures may be erected above the height limits established for the zone in which such structure is located provided the requirements of this Section are met.
2. If the height of any building, structure or tower exceeds the height allowed in the zone wherein the building or structure is located, then all required side-yard dimensions shall be

increased by not less than one (1) foot for each one (1) foot that the building exceeds the height allowed in that zone.

3. Any structure intended for human occupancy which exceeds 30 feet in height shall require Fire Marshall approval.

### **Section 1214 Keeping of Pets**

The keeping of farm animals is prohibited within all platted subdivisions. Outside platted subdivisions, the following standards apply: A minimum of one (1) acre of land must be provided for the keeping of one (1) farm animal and one (1) additional farm animal may be kept for each one-half (1/2) acre by which the property exceeds one (1) acre. Farm animals include but are not limited to: cattle, horses, sheep, other equines and similar livestock. Not included are chickens and other fowl, rabbits, and similar animals normally kept in pens or cages. (Restated with 2005-01 Amendment)

A maximum of three (3) house pets may be kept on any parcel used for residential purposes, regardless of its zoning classification. House pets include but are not limited to dogs, cats and similar animals not normally kept in pens. This provision does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property. (Restated with 2005-01 Amendment)

### **Section 1214A Key Hole Development**

Key Hole development is prohibited. (Added with 2005-01 Amendment)

### **Section 1215 Motor Vehicle Storage in Residential Districts**

Storage in a residential district shall be permitted only when it is accessory to the principal use of the parcel or adjacent parcel when owned by the same person.

1. The storage of travel trailers, utility trailers, recreation vehicles and similar items shall not be permitted within the required front yard.
2. No storage shall be permitted closer than five (5) feet to any dwelling unit, nor closer than three (3) feet to any side lot line.
3. Semi-trailers, over-the-road commercial haulers, gravel trains and similar vehicles licensed for ten thousand (10,000) pounds or more gross vehicle weight (GVW) are not permitted to be parked or stored in any residential district except in a completely closed building, said building subject to size limitations set forth in this Ordinance.
4. Licensed motor homes shall not be stored or parked in the required front  
:

yard for a period exceeding seven (7) days in any calendar month not more than three (3) non-consecutive months in a calendar year.

**Section 1216 Nonconformities**

Nonconformities are lots, structures, and uses that do not conform to one (1) or more of the requirements of this Ordinance, or a subsequent amendment, which were lawfully established prior to the effective date of adoption or amendment of this Ordinance. The purpose of this Section is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions under which a nonconformity must be discontinued. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment.

Except as otherwise provided in this Ordinance, the requirements of this Section shall be applied as follows

NONCONFORMITY	Subsection 1	Subsection 2	Subsection 3	Subsection 4
Nonconforming lot only	•			•
Nonconforming structure only		•		•
Nonconforming use only			•	•
Nonconforming lot and structure	•	•		•
Nonconforming lot and use	•		•	•
Nonconforming structure and use		•	•	•
Nonconforming lot, structure and use	•	•	•	•

Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

1. **Nonconforming Lots.** A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all applicable zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structures shall only be permitted if the Zoning Board of Appeals grants a variance.
2. **Nonconforming Structures.** A nonconforming structure may be continued provided it remains otherwise lawful. A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity. If a nonconforming structure is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. **Nonconforming Uses.** Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.
  - a. A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building which was designed for

such use and which existed at the time the use became nonconforming.

- b. A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.
4. **Nonconforming Residential Uses:** A nonconforming residential use may be expanded or enlarged as follows:
  - a. The principal building may be enlarged by a maximum of twenty (20) percent of the total square footage which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
  - b. An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.
5. **Abandonment of Nonconforming Use:** If there is an intent to abandon the nonconforming use of any parcel of land or structure and the abandonment continues for a period of six (6) months, then any further use thereof shall conform to the provisions of this Ordinance. In addition, any accessory use, building, or sign related to a nonconforming use shall also be discontinued, unless it shall thereafter conform to all regulations of the Ordinance.
6. **Substitution of Uses:** A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:
  - a. No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the

existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.

- b. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- c. When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

7. **General Conditions.** The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

- a. **Change of Tenancy or Ownership:** The tenancy or ownership of a nonconformity may be transferred or changed, however, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.
- b. **Maintenance and Repairs:** Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.
- c. A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or Building Official,

may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed 40 percent of the replacement cost of the existing structure, as determined by the Township Assessor.

- d. **Termination by Destruction:** In the event that a nonconforming structure or structure containing a nonconforming use is destroyed by any means to an extent of more than sixty (60) percent of the replacement cost of the existing structure, as determined by the Township Assessor, the structure shall not be restored or reconstructed except in conformity with the requirements of this Ordinance.

## **Section 1217 One and Two Family Dwelling Standards**

(Amended with 2005-01 Amendment)

All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the Building and Fire Codes. In addition, the following regulations shall apply:

- 1. Basement or garage dwellings are hereby declared to be undesirable and are in violation of this Ordinance. No occupancy permit shall be issued for any basement structure or similar structure.
- 2. Plans for modular, prefabricated units, and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980) prior to the issuance a building or occupancy permit.
- 3. a. Mobile homes or trailers, outside of licensed mobile home parks, shall meet or exceed the requirements imposed by the United States



Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CRF 3280, and as such standards may be amended). The Zoning Administrator shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home, or must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the Planning Commission.

- b. No permit shall issue for installation of a mobile home or trailer outside of a licensed mobile home park for use as a dwelling unit unless the proposed mobile home to be installed is not more than five (5) years old based on the model year as designated by the manufacturer. (Added with 2005-01 Amendment)
4. In R-1 and R-2 Districts, no side of a dwelling unit shall be less than twenty (20) feet in width.
5. All dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the Building Code.
6. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a

continuous perimeter wall as required above.

7. Each dwelling shall be connected to a public sewer and water supply or to approved private facilities. Road culvert permits must be obtained from the Clare County Road Commission.

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

### **Section 1218 Performance Standards**

No use otherwise allowed shall be permitted, within any district, which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these requirements:

1. Smoke and/or Air Pollution Control. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable Federal, State and County health laws pertaining to air pollution and smoke abatement.
2. Open Storage. The open storage of junk, scrap or salvage or other waste products where the operations are for the conversion to saleable materials shall be screened from public view, from a public street and from adjoining properties not of a similar nature, by an enclosure consisting of a solid wall or fence not less than six (6) feet in height.
3. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding or acetylene torch cutting)

which emits harmful ultraviolet rays shall be performed in such a manner as not to emit quantities exceeding those established as safe by the U.S. Bureau of Standards and/or the Atomic Energy Commission when measured at the property line.

4. Fire and Explosive Hazards. In the Industrial District the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Michigan Fire Marshall, is permitted subject to compliance with all the other performance standards above mentioned. The storage, utilization or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

- a. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- b. Said materials or products shall be stored, utilized or produced in completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of Building Codes.

All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with

installation standards prescribed by the National Board of Fire Underwriters.

- d. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.
- e. All handling of flammable or hazardous substances shall be in accordance with State and Federal laws and all required State and Federal permits shall be obtained and the establishment shall remain in conformance therewith.

5. Vibration. Vibration as measured at the property lines shall not cause a displacement of greater than three thousandths (.003) of one (1) inch.

6. Lighting. All lighting or other forms of illumination utilized on private property shall be arranged and so located that it will not shine, reflect, or glare into public streets or surrounding properties.

7. Design Standards

- a. Intent. The exterior appearance of any building located within a residential, commercial, or industrial zoning district of the Township has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible, and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and prevent attendant deterioration of conditions affecting the general welfare of the citizens of Surrey Township.

- b. Design Criteria. In the process of reviewing the submitted materials, the Planning Commission shall consider:
  - i. Relationship of Buildings to Site. The site shall be planned to accomplish a desirable transition, between the building(s) with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
  - ii. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged, where feasible, to provide an interesting relationship between buildings.
  - iii. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways. Parking lots shall provide access to adjoining non-residential parking areas and to adjacent areas of future non-residential development.
  - iv. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
  - v. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

irrigation, fish or aquatic life or for recreational or aesthetic purposes are a permitted use subject to the approval of the Zoning Administrator upon the finding that the plans meet the following requirements:

1. Site Requirements.
  - a. In the event the owner wishes to sell or transport the excavated materials off the site, he shall conform to the requirements of the mining and extraction ordinances of the Township. This shall include meeting the requirements for Special Land Use approval.
  - b. Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standard and all ponds shall be constructed to the NRCS standards.
  - c. No commercial activities, including public fishing, shall be allowed.
2. Yard and Placement Requirements.
  - a. All ponds, other than an aesthetic pond used for landscaping purposes, shall be a minimum distance of fifty (50) feet from any property line (except as described in **Subsection G**).
  - b. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate on-site drainage.
  - c. Ponds shall be located a minimum of one hundred (100) feet from a septic tank or field.
  - d. Surface water shall be diverted around all ponds.
  - e. Ponds shall be constructed in such a manner that runoff, overflow, spillage or seepage shall not encroach upon adjacent properties owned by another

## Section 1219 Ponds

Ponds created for livestock watering,

person.

- f. Ponds shall have warning signs and lifesaving equipment as required by the State of Michigan.
- g. A pond may be shared between properties provided that the property owners enter into a written agreement to provide for the pond's construction and maintenance to meet the above requirements. A signed copy of this agreement shall be attached to the site plan.

### 3. Permit Requirements

- a. A site layout shall be submitted to the Zoning Administrator for his determination that it meets the requirements of this Section prior to the issuance of a building permit.
- b. No pond shall be constructed without first obtaining a permit from the Department of Natural Resources (DNR) if such pond would be:
  - i. Five (5) acres or greater in area, or
  - ii. Connected to an existing lake or stream, or
  - iii. Located within five hundred (500) feet of the ordinary high water of an existing inland lake or stream.
- c. Obtaining such permit from DNR shall not relieve a person from also complying with the requirements of this Section.

**Section 1220 Private Roads** (This Section added with 2005-01 Amendment).

Ordinance No. 40, Private Road, is hereby repealed. (2005-01 Amendment)

- 1. General requirements and application to existing private roads.
  - a. A private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance.
  - b. Private roads are permitted in all zoning districts.
  - c. The provisions of this Ordinance shall not apply to access roads internal to any individual 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 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 Surrey Township Zoning Ordinance..
  - d. The provisions of this Ordinance shall not apply to an existing, private road which provides access solely to existing parcels, or dwelling units.
  - e. 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 Surrey Township Master Plan and Major Street Plan, if any and if applicable, the Street and Highway Plans of the Clare County Road Commission and Michigan Department of Transportation.

- f. Where private roads in existence prior to the effective date of this ordinance are to be extended to serve five (5) or more parcels, the existing road may be extended provided that the entire private road is improved to the construction specifications of Section 2 (e) of this ordinance.
- g. Where a private road serving five (5) parcels 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 parcels, the existing road may be extended provided that the entire private road is improved to the construction specifications of Section 2 (e) of this ordinance including paving.

2. Minimum Standards for Construction of Private roads.

- a. 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 or provide a "T" turn-around.

- b. A parcel shall have frontage on the private road easement which is at least equal to the minimum parcel width required for the zoning district in which the parcel is

located. Parcels fronting on a cul-de-sac may be reduced to forty (40) feet at the front parcel line, as long as the parcel meets the minimum square footage requirements imposed in the Schedule of Regulations.

- c. 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.
- d. A private road serving five (5) or more parcels 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 Clare 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. A street sign shall be erected within one (1) year after the construction of a private road.
- e. A new private road serving six (6) or more parcels is required to be paved with a minimum of two (2) inches of asphalt or equivalent dustless surface and shall have a minimum width of sixteen (16) feet with a three (3) foot shoulder on each side. A new private road serving five (5) parcels 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) crown from centerline to the edge of the road. The road base shall consist of at least six (6) inch gravel base (MDOT 22A) with a twelve (12) inch sand sub-base (MDOT Class 2). The road shall widen at any dead-end so

there is at least a forty-five (45) foot radius turn-around or provide a "T" turn-around shaped with each leg of "T" fifty (50) feet in length from center line of road. The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table.

- f. A private road shall 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 1/2%) percent.
  - g. A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off into adjacent property. If a private road crosses a natural drainage course, stream of 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 Clare County Drain Commission and State of Michigan requirements.
  - h. 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.
  - i. 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.
3. Road Maintenance
- a. Road Maintenance Agreement.

The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township Clerk a recorded road maintenance agreement, access easement agreement, and deed restrictions 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.

- i. 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.
- ii. 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 parcels. The recorded road maintenance agreement and the method of apportioning the costs of maintenance and improvements shall provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto.
- iii. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of five percent (5%) of the total cost of the improvements.
- iv. A notice that no public funds of the Township of Surrey are to be used to build, repair or maintain

the private road.

- v. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
  - vi. 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.
- b. Road Maintenance and Improvement Standards.
- i. Improvements to and maintenance of private roads shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Ordinance throughout the entire length of the private road.
  - ii. The road maintenance agreements for all existing private roads and private roads approved by the Township prior to October 31, 1996, shall provide that any future improvements required or desired shall be completed over the entire length of the private road and/or any extensions thereto. All property owners abutting private roads covered by road maintenance agreements that do not include such a provision shall be notified in writing by the

Township Zoning Administrator of the requirements of this section. Said property owners shall be given a reasonable period of time to amend their road maintenance agreements and to record such amendment with the Clare County Register of Deeds.

4. Procedure for Review of Private Road.

a. 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 Township Board. The application shall contain or be accompanied by the following information:

- i. 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.
- ii. Permanent parcel number or legal description of the property over which the private road is to be constructed.
- iii. 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.
- iv. 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.
- v. A scaled drawing illustrating the proposed lot divisions.

- vi. A road maintenance agreement, access easement agreement and deed restrictions as specified elsewhere in this ordinance, shall also accompany the application.
  - vii. A driveway permit application from the Clare County Road Commission.
  - viii. A letter from the Clare County Road Commission indicating there is no known duplication of the proposed private road name.
- b. Review of Permit Application.
- i. 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. Not less than five (5) and no more than fifteen (15) days prior to the meeting, the Township Clerk shall send a notice to all property owners within three hundred (300) feet of the subject property.

Such notice shall describe the approximate location of the proposed new private road or the extension or relocation of an existing private road and the date, time and place of the Planning Commission meeting at which the application will be considered. Such notice shall also invite all interested residents of the Township to attend said meeting for the purpose of commenting on the application.

- ii. The Planning Commission shall review this information and may consult with the 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.
- iii. 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.
- iv. 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.
- v. Final Compliance Requirements  
Upon completion of construction of the private road, the applicant shall provide to the Zoning



Administrator: a) a letter from a registered professional engineer or the Clare County Road Commission that the road has been constructed in compliance with the approved private road plans, and b) documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Clare County Register of Deeds office, and c) a driveway permit for the private road from the Clare County Road Commission.

vi. Private Road Permit Issuance. Upon approval of all items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.

vii. Permits for Dwellings on Private Road. 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.

5. Intentional Circumvention of the requirements of this Ordinance.

a. A person, corporation or other property owning entity shall not

seek to intentionally circumvent the lawful purposes of this ordinance by proposing any type of "non-development strips" or other devices to provide back-lots or other landlocked parcels with minimum road frontage requirements to avoid constructing a safe and adequate access road. The Township shall have the sole and exclusive discretion to determine whether a proposed land division/road application is abusive or an attempt to intentionally circumvent the application of this ordinance.

b. If a proposed land division or private road application is deemed to be a violation of subsection (1) above, it shall not be approved by the Township.

#### **Section 1221 Reserved**

#### **Section 1222 Sand, Gravel and Soil Removal**

Sand and gravel extraction, similar removal operations, land stripping and landfills (does not include sanitary landfills) may be permitted as a Special Land Use within any zoning district subject to the approval of the Planning Commission, and not within a two (2) mile radius of an existing operating soil removal operation, and upon a finding that the proposed use meets the requirements of this Ordinance and Federal and State regulations and the following conditions:

1. Purpose.

a. The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits and which, if mined for such deposits or filled under the regulations of this Article and this Ordinance, would not constitute a hazard to the public health, safety and welfare. The regulations are intended to result in: excavation and soil removal operations that will not be detrimental to the public health,

safety, and welfare; and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes.

- b. These requirements shall not apply to:
  - i. The excavation and earth fill for on-site building construction purposes pursuant to a duly issued building permit;
  - ii. The construction of a private pond as part of a landscaping or aesthetic improvements to an existing single family residence; and
  - iii. Where the moving, grading or leveling of materials is carried on by the landowner for the immediate use or development of the same or adjacent parcel of land.

## 2. Permit Procedures.

- a. An application for the approval of a soil removal or extractive permit shall be made by an owner of an interest in the land on which the use is to be located, to the Zoning Administrator accompanied by the necessary fees, financial guarantees and documents.
- b. The application shall be accompanied by a site plan as required by this Ordinance as well as the following information:
  - i. Name of the owner, or owners, of land from which removal is to be made.
  - ii. Name and address of the applicant(s) making a request for such permit.
  - iii. Name and address of the

person, firm, or corporation who or which will be conducting the actual removal operation.

- iv. Location, size, and legal description of the total land area proposed for such use.
- v. Location of the processing plant (if any).
- vi. Type of materials or resources to be removed from or to be brought to the site.
- vii. Proposed method of removal of filling, general haul route, and whether blasting or other use of explosives will be required.
- viii. General description of equipment to be used.
- ix. Any buildings, structures, sheds or trailers which are to be constructed or brought onto the site.
- x. The estimated time to complete total operations, including reclamation.
- xi. The total area (expressed in acres) proposed to be excavated or removed in the first year of operation, and in subsequent years.
- xii. A reuse, or reclamation, plan, drawn to a scale of 1" = 50' and containing the following information:
  - a) A description of the land use activities proposed to be located on the site upon completion of extraction and landfill operations.
  - b) A description of the zoning district classification required for use of the site for the uses

intended and described in (a) above.

- c) A description and location of the street, drainage onsite and downstream, water and sanitary sewer facilities required to serve the uses intended and described in (a) above.
- d) Final grades and contour levels not-to-exceed five (5) foot intervals.
- c. The Township Planning Commission may submit the engineering, design and site plans to the Township Engineer, State of Michigan DEQ, Clare County Drain, Health or Road Commissions, or other State or Federal agencies to determine that the designs meet all applicable requirements.
- d. After the Planning Commission Public Hearing, Special Land Use and Site Plan Approval, the application and recommendation of the Commission shall be submitted to the Township Board for final approval or denial.
- e. If County, State or Federal permits are necessary, such approvals must be submitted to the Township by the applicant prior to the granting of a zoning or building permit.
- f. The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and

storage requirements.

- g. Permits shall be valid for a two (2) year period. Renewals of the permit may be obtained from the Planning Commission following a public hearing and a review of facility compliance over the previous two (2) years. The renewal process shall also include a review of zoning or permit violations occurring at the facility as well as complaints received from the public. The Township Board, upon receiving a recommendation from the Planning Commission, shall either approve or deny the renewal request.

### 3. Regulations.

- a. No landfill, stockpiling of material, or processing shall be allowed within a two (2) mile radius from the closest point of the property line of the proposed soil removal operation to the closest point of a property line of an existing operational soil removal operation; nor shall take place closer than fifty (50) feet to any property line.
- b. No landfill shall be carried on closer than one hundred (100) feet of the right-of-way of a dedicated street, road or highway, or the edge of the traveled portion of an existing and non-dedicated street, road or highway, except that operations may be conducted within such setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of such street, road, or highway. Any area excavated along a street, road, or highway within the one hundred (100) foot setback area shall be backfilled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road, or highway.
- c. Site barriers or fences shall be provided along all boundaries of the

site which lack natural screening conditions through existing contours, tree or shrub growth or distance from the roads. Such barriers shall consist of one (1) of the following:

- i. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees or shrubs.
  - ii. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective site barriers when six (6) feet in height.
- d. Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus or to the stockpiling or loading and transportation equipment.
- e. All equipment and facilities used in the landfilling, processing, or transporting of sand, gravel, or stone shall be constructed,

maintained, and operated in such manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying. Dust and noise emitted from any operations shall be controlled according to performance standards set forth in this Ordinance.

- f. The Township Planning Commission shall require such other performance standards where because of unique conditions they deem it necessary for the protection of health, safety, morals and wellbeing of the citizens of the Township.
  - g. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Planning Commission.
  - h. If pumping or draining of water from a quarry operation is anticipated, the applicant shall provide adequate data and research to indicate that:
    - i. Water wells and the water supply of surrounding properties are not adversely affected;
    - ii. Drainage of water will not adversely affect nor create damage to adjacent or downstream properties; and
    - iii. Drainage-ways are adequate in design and construction to handle the excess water from this operation without damage to any other properties.
4. Reclamation and Rehabilitation.
- a. Reclamation and rehabilitation of excavated areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished

concurrently with the excavation operations. The Planning Commission shall require a performance bond to assure that the Reuse Plan is implemented. Substantial completion of reclamation or rehabilitation shall be effected within two (2) years after termination of excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of excavation activity.

### **Section 1223 Screening of Refuse Storage Areas**

Any new or altered use which requires site plan review and has a permanent outdoor refuse storage area shall comply with the following requirements:

1. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
2. In no instance shall any such refuse be visible above the required screening.
3. A wall six (6) feet in height shall enclose all four (4) sides of the storage area. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements. The Planning Commission may waive one (1) of the required screened sides of the storage area. In addition, a roof may be required over the enclosure at the discretion of the Planning Commission.

4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. In no instance shall any such area be located in a front yard.

### **Section 1224 Single-Family Cluster Housing**

1. The intent of this Section is to encourage the development of single-family residential patterns that, through design innovation, will introduce flexibility so as to provide for a more appropriate development to encourage the preservation of open space through site planning.
2. The Township may approve the clustering of single-family dwelling units on parcels of land ten (10) acres or more in size, under single ownership and control.
3. The Planning Commission shall convene a public hearing held in accordance with Section 16(b) of the Township Zoning Act (PA 184 or 1943), as amended, as part of its review, study, and approval of an application for the cluster housing option.
4. The minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:
  - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the District in which the cluster is to be constructed.
  - b. The attaching of single-family dwelling units, one (1) to another, may be permitted when said homes are attached by means of one (1) or more of the following:

- i. Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
  - ii. By means of an architectural wall detail which does not form interior room space.
  - iii. Through a common party wall in only the garage portion of an abutting structure.
- c. The attachment of more than four (4) units in the above-described manner shall not be permitted.
  - d. In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for the single-family district in which the development is proposed. Exception in the form of a determined percentage density bonus may be granted by the Planning Commission as stated in the district regulations for the underlying zoning district.
  - e. At least fifty (50) percent of the site is retained as permanent open space or in agricultural activity. In the case of agricultural activity, the method of open space protection shall specifically state that the property shall revert to permanent open space when and if the agricultural activity ceases. The details of the conversion and the maintenance of the open space shall also be provided.
5. Yard requirements shall be provided as follows:
- a. Spacing between any grouping of four (4) or fewer one-family units and another grouping of such structures shall be equal to at least twenty (20) feet, measured between the nearest point of the two (2) groupings. A grouping may include a single, freestanding unit.
  - b. All such groupings shall be situated so as to have one (1) side of the lot abutting onto a common open space.
  - c. That side of a building adjacent to a dedicated street shall not be closer to said street than twenty-five (25) feet.
  - d. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
  - e. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
6. The building height shall not exceed two and one-half (2 1/2) stories or thirty (30) feet. In computing the building height of an individual unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of the height of the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.
7. A landscaped berm shall be required, at least six (6) feet high, or a ten (10) foot landscaped greenbelt shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The slopes on said berms shall be gentle enough so as not to erode when planted in grass; and the design of the berm as it relates to street intersections, finding that it conforms with corner clearance visibility regulations found

elsewhere in this Ordinance. A natural buffer, if one (1) exists, may satisfy all or part of this requirement.

8. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.
9. Site plans submitted under this option shall be accompanied by information regarding the following:
  - a. The proposed manner of holding title to open land.
  - b. The proposed method of regulating the use of open land.
  - c. The proposed method of maintenance of property and financing thereof.
10. All land not intended to be conveyed to individual dwelling unit owners shall be set-aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
  - a. That title to the open land is held in common by the owners of all dwelling units in the detached single family cluster development.
  - b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

## **Section 1225 Temporary Dwellings During Reconstruction**

A temporary permit may be issued by the Township Zoning Administrator for a mobile home or other structure to be occupied for a period up to six (6) months while a single-family dwelling is being reconstructed following fire, storm, or other act of nature. Such temporary permit may be extended by the Zoning Administrator for like periods of time, but not after the original cause of need for the use shall cease to exist. Such temporary permit may not be granted or extended beyond a maximum of two (2) years.

# Article XIII

## Special Exception Use Conditions, Review, and Approval

### Section 1300 Statement of Purpose

It is the purpose of this Article to specify the procedure and requirements for the review of Special Exception Uses, as specified in this Ordinance. Uses classified as Special Exception Uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

The following use permit review procedures are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. The procedures apply to those Special Exception Uses which are specifically designated as such in the Zoning Ordinance.

### Section 1301 Review and Approval Authority

The Planning Commission shall have the authority to review Special Exception Use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Commission may require for any Special Exception Use included in the various provisions of this Zoning Ordinance. Final approval shall be received from the Township Board.

### Section 1302 Data Required

Applications for Special Exception Uses authorized in this Ordinance shall be submitted to the Zoning Administrator. Applications shall include 12 copies of the

site plan and the fees as established by the Township Board. Applications will be processed according to the procedures adopted by the Township Board.

The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and forward completed applications and supporting data in accordance with the provisions of this Article. If the application is found to be incomplete, the Zoning Administrator shall return the application to the applicant with a written explanation of the deficiencies.

An application for a Special Exception Use permit shall include the following:

1. Applicant's name, address, and telephone number.
2. Address and tax identification number of the proposed site.
3. A signed statement that the applicant is the owner of the proposed site, or is acting as the owner's representative.
4. A complete site plan containing all the applicable data required by this Ordinance.
5. Supporting statements, evidence, data, information and exhibits that address criteria for assessing Special Exception Use applications as provided in this Section.
6. Any additional information deemed necessary by the Planning Commission to determine the impact of the proposed Special Exception Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand,



use saturation), fiscal impact analyses or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. Any additional studies deemed necessary by the Township shall be completed by an individual or firm of the Township's choosing, but at the applicant's expense.

### **Section 1303 Public Hearing Requirements**

(Restated with Amendment 2006-05)

1. If the application is complete, the administrator shall notify the following persons of the application being considered, so the notice is sent not less than 15 days before the date that the application will be considered and the notices sent to:
  - a. The applicant.
  - b. The owner of the property, if different.
  - c. If the special use involves less than 11 adjacent properties: the owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the Township of Surrey or not.
  - d. If the special use involves less than 11 adjacent properties: occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the Township of Surrey or not.
  - e. The general public by publication in a newspaper which circulates in the Township of Surrey.
  - f. The members of the Planning Commission.
2. The notice shall include:
  - a. The nature of the Special Use Permit being requested.
  - b. The property (ies) for which the request has been made.
  - c. If the special use involves less than 11 adjacent properties, also a listing of all existing street addresses within the property (ies) which is (are) subject of the special use. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses other means of identification may be used.)
  - d. The location where the application documents can be viewed and copied prior to the date the application will be considered.
  - e. The date, time and location of when the hearing on application will take place.
  - f. The address at which written comments should be directed prior to the consideration.
  - g. For members of the Commission only, a complete copy of the special use permit application and supporting documents in the record.
3. The Planning Commission shall review the proposal and base its decision upon review of the individual standards for that Special Exception Use and the general standards of this Section. The Planning Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application. The decision on a Special Exception Use

shall be incorporated in a statement of conclusions relative to the Special Exception Use under consideration. The decision shall specify the basis for the decision and conditions imposed.

- a. Approval. If the Township Board, after recommendation of the Planning Commission, determines that the particular Special Exception Use(s) should be allowed, it shall clearly set forth in writing the particular use(s) which have been allowed.
  - b. Thereafter, the Building Inspector may issue a building permit in conformity with the particular Special Exception Use so approved. In all cases where a particular Special Exception Use has been granted as provided herein, application for a building permit in the Township shall be made not later than one (1) year thereafter, or such approval shall automatically be revoked. The Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time as it shall determine to be necessary and appropriate.
  - c. Denial. If the Township Board determines that the particular Special Exception Use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application in writing and clearly set forth the reasons for such denial.
4. Postpone: The Planning Commission may postpone action on the site plan to allow time for additional study and/or site plan revisions.
  5. Appeals. Any applicant under this section aggrieved by a decision made

under this Article may take an appeal to the Zoning Board of Appeals. (Changed with 2005-01 Amendment)

### **Section 1304 Standards for Approval**

The Planning Commission shall review the particular circumstances and facts applicable to each proposed Special Exception Use in terms of the following standards and requirements and shall make a determination as to whether the use proposed and subject site meet the following standards and requirements:

1. Will be in accordance with the general objectives, intent and purposes of this Ordinance.
2. Will be in accordance with the goals and objectives of the Surrey Township Master Plan.
3. Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
4. Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
5. Will be served adequately by essential infrastructure, such as highways, streets, storm water drainage, refuse disposal, water and sewage facilities.
6. Will not create excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive

production of traffic, noise, vibration, smoke, fumes, glare or odors.

8. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
9. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District.

### **Section 1305 Attachment of Special Conditions**

1. The Planning Commission may recommend and the Township Board may impose special conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include:
  - a. Assurance that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
  - b. Protection of the natural environment, conservation of the natural environment and conservation of natural resources and energy;
  - c. Assurance of compatibility with adjacent uses of land;
  - d. Promotion of the beneficial use of land in a socially and economically desirable manner.
2. Special conditions imposed shall meet each of the following criteria:
  - a. Be designed to protect natural resources, the health, safety, and

welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- b. Be related to the valid exercise of the police power and purposes, which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
3. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Zoning Administrator shall maintain a record of changes granted in conditions.

### **Section 1306 Reapplication**

No Exceptional Land Use application which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of twelve (12) months or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

### **Section 1307 Site Plan Amendments in Conjunction with a Special Exception Use**

Any approved site plan shall become part of the record of Special Exception Use approval.

Subsequent improvements relative to the authorized use shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. A site plan amendment shall be reviewed and considered in the same manner as the original Special Exception Use application, except as otherwise provided in this Ordinance.

### **Section 1308 Validity and Revocation of Special Exception Use Permits**

Validity of Permit: A Special Exception Use permit shall be valid for a period of twelve (12) months from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this twelve (12) month period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit. The Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.

Once the Special Exception Use is established and the conditions of the permit fulfilled, the Special Exception Use permit shall be valid until such time that there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review, with the applicant and the Township Zoning Administrator, the status of Special Exception Use Permits on an annual basis.

Permit Revocation: The Planning Commission shall have the authority to revoke site plan approval following a hearing, if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Building Inspector shall issue a stop work order and a notice to appear for a hearing before the Planning Commission.

Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the meeting.

### **Section 1309 Fees**

Before the issuance of a building permit, all application fees, including those incurred for additional professional reviews or studies shall be paid in full by the applicant.

# Article XIV

## Special Exception Use Requirements

### **Section 1400 Adult Care Organizations** (Restated with Amendment 2006-05)

Section 206 of the Michigan Zoning Enabling Act states that a state licensed residential facility providing supervision or care or both to six (6) or fewer persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a Special Exception Use permit or procedure different from those required for other dwellings of similar density in the same zone. Section 206 further states that this shall not apply to adult foster care facilities licensed by a state agency for care and treatment of person released from or assigned to adult correctional institutions.

Therefore, adult foster care family homes and adult foster care small group homes for six (6) or fewer persons must be permitted uses in all residential districts. However, adult foster care large group homes shall be required to apply for a Special Exception Use permit.

The following standards shall be applied to adult foster care large group homes:

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
2. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
3. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
4. A landscaped buffer shall be provided along all property lines that abut a less

intense use and around the visible perimeters of all parking and loading/unloading areas.

5. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

### **Section 1401 Adult Entertainment 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 affects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the intent and purpose of Surrey 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.

The operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, may be permitted as a Special Exception Land Use in the conformance with the following

restrictions:

1. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within five hundred (500) feet of any of the following uses:
  - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
  - b. Pool or billiard halls.
  - c. Coin-operated amusement centers or video arcades.
  - d. Teenage discos or dance halls.
  - e. Ice or roller skating rinks.
  - f. Pawn shops.
  - g. Indoor or outdoor movie theaters.
  - h. Any public park, public playground,
  - i. Public library, or public building.
  - j. Any church, place of worship, or other religious facility.
  - k. Any public or private school having a curriculum including kindergarten or any one (1) or more of the grades one (1) through twelve (12).
  - l. Any restaurant that does not serve alcohol.
  - m. Any preschool or day nursery.
  - n. Any indoor or outdoor public, private, or commercial recreational facility.
  - o. A single-family dwelling used or designed for residential purposes.
  - p. Uses like or similar to the above.
2. Such distance shall be measured along

the centerline of the street between two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

3. No adult entertainment use shall be located within five hundred (500) feet of any residential district. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
4. All adult entertainment uses shall be contained in a free-standing building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
5. 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.

## **Section 1402 Reserved**

**Section 1403 Auction Sales Establishments (Including Animal Sales)**

1. All ingress and egress to the site shall be directly from a hard surfaced street.
2. All parking as shall be determined by the Planning Commission shall be provided as off-street parking within the boundaries of the development.
3. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential use.

**Section 1404 Bed and Breakfast Facilities**

1. Site Requirements:
  - a. A bed and breakfast operation shall provide off-street parking spaces in accordance with the requirements for a single-family dwelling plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15) feet from any property line. The Planning commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.
  - b. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.
2. Performance Standards:
  - a. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling.

- b. The applicant shall provide a scaled floor plan of the premises as part of the Special Exception Use application.
    - c. The exterior appearance of the structure shall not be altered from its single-family character.
    - d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
    - e. One (1) freestanding or mounted sign is permitted providing:
      - i. It is for identification purposes only.
      - ii. It is not internally illuminated and does not exceed four (4) square feet.
  3. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
  4. No separate or additional kitchen facilities shall be provided for the guests.
  5. Retail sales are not permitted beyond those activities serving overnight patrons.
  6. Meals shall not be served to the public at large but only to guests.
  7. No receptions, private parties or activities for which a fee is paid shall be permitted.
  8. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
  9. A bed and breakfast operation shall not be permitted in a platted subdivision or

within a site condominium project.

10. A bed and breakfast operation shall have direct access to and from a public road and, in no case, shall such an operation have access to or from a private road.
11. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principle place of residence of the owner. Rooms for guest sleeping shall not have been specifically constructed for rental purposes unless constructed in keeping with the style of the existing structure.
12. Bed and breakfast operations may have up to six (6) guest sleeping rooms, and shall have at least one (1) additional full bathroom facility for every two (2) guest sleeping rooms.
13. All sleeping rooms and areas shall have a fully functional smoke detector inspected and approved by the Building Inspector.
14. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.
15. The application for a bed and breakfast operation shall be accompanied by the following:
  - a. A site plan subject to the requirements for site plan review.
  - b. A floor plan of the residence showing those rooms and/or areas that will be used by guests (i.e., sleeping rooms, bathrooms, dining areas, etc.), including dimensions and floor area calculations, and the location of required exits and smoke detectors.

## **Section 1405 Campgrounds**

1. All campgrounds shall be used solely for the temporary placement of tents,

travel trailers, and recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended, and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended. For non-permanent campgrounds, see **Section 1413, Temporary Outdoor Uses.** (Restated with Amendment 2006-03)

2. No year-round residency shall be permitted, except within a dwelling unit as herein defined.
3. No more than one (1) permanent dwelling unit shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
4. The minimum area shall be twenty (20) acres.
5. A common use area shall be provided at a rate of five hundred (500) square feet per campsite.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campsites shall have a central water supply system with potable water under pressure located within three hundred (300) feet.
8. Where a public water supply system is available within one hundred fifty (150) feet of any portion of the campground, the water supply system shall be connected thereto.
9. For each sex, separate toilet and bathing facilities shall be provided at a ratio of one (1) facility per twenty (20) campsites for each sex and shall contain hot and cold running water. Within each toilet facility, fire extinguishers shall be made available.
10. An enclosed toilet and sewage facility approved by the state and county health



departments with hot and cold running water available therein shall be located within three hundred (300) feet of each campsite.

11. Where a public sewer is available within five hundred (500) feet of any portion of the campground, the sewer system shall be connected thereto.
12. Each campground shall be equipped with at least one (1) public telephone.
13. Sewer, water, fuel, electrical, and telephone installations and connections shall be in accordance with plans approved by the appropriate utility or public agency.
14. Access to all campsites shall be by means of a roadway suitably surfaced to prevent rutting and erosion for a minimum width of twenty (20) feet. Parking shall be prohibited on such roadways, except when an additional ten (10) feet of roadway is provided as a parking lane.
15. Each campsite shall be not less than one thousand two hundred (1,200) square feet in area.
16. The Planning Commission may vary the requirements of items 11, 12 and 13 to permit the development of a portion of the total campground for a less structured outdoor experience, except that not more than fifteen (15) percent of the total area allocated to campsites may be so varied.
17. No campsite shall be located closer than one hundred fifty (150) feet to any property line.
18. Fences and/or greenbelts may be required when recommended by the Planning Commission.
19. No businesses of any kind shall be conducted on the premises, except for those customarily incidental to camping.

20. No recreational vehicles, camp trailers, decks, porches, or other similar lodging apparatus used for camping remain upon the campsites for more than nine (9) months of any calendar year. If the campground closes during a seasonal period, all recreational vehicles, camp trailers, decks, porches, or other similar lodging apparatus used for camping shall be removed from the park during its seasonal closure period. It is the intent of this section to prohibit storage of recreational vehicles, camp trailers, decks, porches, or other similar lodging apparatus used for camping when the park and/or the camping equipment is not in use. (Added with 2005-01 Amendment)

### **Section 1406 Cemeteries**

1. The minimum lot or parcel size shall be two (2) acres.
2. No more than five (5) percent of the site area may be occupied by buildings.
3. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than two hundred (200) feet from any lot line or road right-of-way.
4. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.
5. Buffering requirements. A greenbelt, as selected by the Planning Commission from among those provided in **Appendix B**, shall be constructed around the perimeter of the cemetery.
6. Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Clare County Health Department and the State of Michigan.

**Section 1407 Child Care Organization, Licensed or Registered Under Act 116 of the Public Acts of 1973, as may be Amended**

1. Locational Requirements.
  - a. Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to another licensed group day care home, adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq., a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Michigan Public Health Code, PA 368 of 1978, MCL 333.6101 et seq., or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. Site Requirements:
  - a. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
  - b. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) vehicles in addition to the parking normally required for the residence. A driveway may be used for this purpose.
  - c. Playground equipment shall not be located in front or side yards.
3. Buffering Requirements:
  - a. Adequate provision shall be made to

reduce noise impacts on surrounding residential properties pursuant to the requirements of this Ordinance.

4. Performance Standards:
  - a. Operation and maintenance of all group day care facilities shall conform to existing applicable County and State regulations.

**Section 1408 Churches and Other Places of Worship**

1. The site shall have at least one (1) lot line on a hard surfaced street.
2. All ingress and egress to the site shall be directly from a hard surfaced street.
3. The minimum area shall be three (3) acres, unless the site is a reuse of an existing commercial facility.
4. No primary building shall be closer than one hundred and fifty (150) feet from any lot line or right-of-way.
5. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty (60) percent of the site shall be covered by impervious surface.
6. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot from the initial one hundred and fifty (150) feet for each one (1) foot of additional height above the district height limitation. Any spire is excluded.
7. Any yard or open space shall be landscaped.
8. Buffering Requirements: Parking areas shall be screened from adjacent residential areas pursuant to the requirements of this Ordinance.

9. No day care center, private school, or other use requiring a Special Exception Use permit shall be allowed without a separately approved Special Exception Use permit for each use.

### **Section 1409 Clinics**

All ingress and egress to the site shall be directly from a hard surfaced street.

### **Section 1410 Commercial Composting Facilities**

The following provisions shall apply to commercial composting operations:

1. Size and Location.
  - a. The minimum size of a composting facility shall be eighty (80) acres.
  - b. A Level I Environmental Assessment of the site shall be conducted prior to site plan review.
  - c. A composting facility shall not be allowed in any one hundred (100) year or five hundred (500) year floodplain unless the Michigan Department of Environmental Quality (MDEQ) has approved the area of operations. A sign-off from the MDEQ stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
  - d. A composting facility shall not be allowed in any protected wetlands. A wetlands determination report shall be submitted to the Township as part of the application package.
2. Ground and Surface Water Quality.
  - a. To ensure that ground or surface waters are not contaminated, monitoring wells must be installed by the owner/operator and/or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site by site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
  - b. If any stream or swale is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.
  - c. The surface and ground waters at a composting facility shall comply with the water quality requirements of Act 245 of Public Acts of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
  - d. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with Act 255 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator and/or lessee.
  - e. Should test wells reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional

acceptable to the Township. All costs shall be assumed by owner/operator and/or lessee.

- f. Surface water monitoring shall be also required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 255 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
  - g. Analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after analyses.
  - h. Discharge of water collected in an on-site retention basin shall only be handled in the following ways:
    - i. Reintroduced into the compost pile.
    - ii. Directed into a sanitary sewer.
    - iii. Transported by a liquid industrial waste hauler.
3. Requirements and Procedures: This Section establishes the requirements and procedures for composting facilities to be operated in Surrey Township.
- a. All composting facilities shall submit to the Surrey Township Planning Commission for approval, as part of the site plan review, the following:
    - i. Site plans sealed by a professional engineer including:
      - a) A vicinity map and legal description.
      - b) Distances to the nearest

adjacent residence and commercial and industrial facilities.

- c) Proposed storage areas; interior and exterior. Interior storage facilities shall be identified as a "support services facility."
  - d) Utility locations including storm and sanitary sewers and water mains.
  - e) Fire hydrant locations.
  - f) Access route traffic patterns as well as on-site traffic patterns.
  - g) All visual screening measures.
  - h). Drainage patterns. Property used for a composting facility shall contain a minimum two (2) percent slope which permits surface water runoff from the composting process to be collected in an on-site retention basin.
- ii. Written documentation addressing the following:
    - a) Hours of operation.
    - b) Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
    - c) Fencing and other means of limiting access.
    - d) Method of receiving compost materials.
    - e) Method of sorting and handling composting materials on-site.

- f) Measures to be taken should anaerobic conditions arise.
  - g) Expected frequency of removal of composted materials.
  - h) Expected frequency for turning of composting windrows.
  - i) Fire protection.
  - j) Description of daily cleanup procedures.
  - k) Measures to be taken should surface or groundwater contamination take place.
  - l) The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
  - m) Maintenance Plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin.
- b. All facilities covered under this Section must notify the Surrey Township Zoning Administrator and the Clare County Health Department that actual operations have begun.
  - c. The site shall be closed when anaerobic conditions arise, and the only operations taking place must be concerned with correcting conditions. If anaerobic conditions arise more than two (2) times in a one (1) month period, the facility must: a) pay a fine-set by Township Board; and, b) close for a one (1)

month period of time. After three (3), one (1) month closures in a year, the Township may order the site to be closed permanently subject to provisions of this section. Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by the Township Zoning Administrator.

- d. Compost materials shall not be accepted on site in an anaerobic condition.

#### 4. Setback Requirements.

- a. In no case shall composting facilities be located within one thousand two hundred (1,200) feet of an existing residential district lot line, nor within one thousand five hundred (1,500) feet of the nearest existing residential dwelling in other zoning districts. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential lot line in residential districts. In other zoning districts, the isolation distance shall be measured from the beginning of the program area designated to the composting facility to the existing residence.

#### 5. Landscaping Requirements.

- a. If a residence is within one thousand two hundred (1,200) feet to two thousand two hundred and fifty (2,250) feet of a composting facility, or if the facility fronts on a public road, Greenbelt "D" or another greenbelt as selected by the Planning Commission from among those provided in **Appendix B** shall be constructed around the perimeter.

#### 6. Off-Site Road Maintenance.

- a. This Section is enacted to assure that tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud and/or compost materials which are tracked off-site are adequately removed.
  - b. At the time of site plan approval, the operator of the composting facility shall submit on Off-Site Road Maintenance Plan which addresses, at a minimum, the following:
    - i. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
    - ii. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
    - iii. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within two thousand five hundred (2,500) feet of the composting area entrance and exits.
    - iv. Trucks and off-site roads shall be cleaned as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.
7. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.
- a. The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All

- compost facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
- b. The following performance standards shall be enacted in an effort to control noxious odors, noise, vibration, and light so that they do not cause off-site problems and nuisances:
    - i. Odors.
      - a) The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one (1) volume of odorous air to produce a public nuisance or hazard beyond lot lines, is prohibited.
      - b) All water used by the composting facility shall be drawn from wells, ponds, or the municipal supply, and be otherwise free from sulfur or agents which will cause odor.
    - ii. Sound. Sound levels shall be measured using a weighted decibel measurement and with a type of audio output meter approved by the National Institute of Standards and Technology. Objectionable noise as determined by the Board, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.
    - iii. Vibration. All machinery shall be so mounted and operated as to

prevent transmission of ground vibration exceeding a displacement of three-thousandths (0.003) inches as measured at any property line of its source.

- c. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall require approval by the Planning Commission.
  - d. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten (10) working days from the date that the Zoning Administrator notifies the operator. This plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two (2) weeks.
  - e. In the preparation of the operations plan required by subsection 7(c) or the contingency plan which may be required by subsection 7(d), the applicant or operator shall comply with the requirements of the Air Quality Rules promulgated under Act 348 of 1965 as amended.
8. Compost Storage.
- a. Storage of any material, other than compost, shall not be allowed on-site.

- b. Height of compost material shall not exceed eight (8) feet.
- c. No sludge of any kind shall be stored or deposited on composting facility property.
- d. No bagged materials containing grass shall be accepted at a composting facility. Grass contained in bags shall be de-bagged at the original point of collection before being hauled to the composting facility.

9. Closure Plan.

- a. A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan should describe:
  - i. How the existing site will be cleaned up.
  - ii. How and where the existing surface debris will be disposed.
  - iii. What the final disposition of the land will be.
  - iv. The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board.
- b. Violation of any of the provisions of this ordinance or inability to meet the requirements of these provisions will result in the Township having the right to close and/or clean up the

composting facility and operation at the expense of the owner and/or operator and/or lessee of the composting facility.

- c. The Township may, at such time, direct the owner and/or operator and/or lessee to close and/or clean up the composting facility and/or operation at the owner and/or operator and or lessee's expense.

10. Right of Entry and Inspection.

- a. To determine compliance with this Ordinance, the Township Board shall appoint three (3) persons, in addition to the Zoning Administrator, who will be prepared to act as Township representatives for purposes of site inspections. All composting areas are subject to inspection by the Zoning Administrator or Township representative during reasonable hours. This includes all site inspections made during the preparation, construction, operation, and closure periods. Should entry to a premise for an inspection be refused, the Zoning Administrator or Township representative may obtain a warrant authorizing premise entry and inspection pursuant to Section 2446 of Act 368 of Public Acts of 1978, being Section 333.2446 of the Michigan Compiled Laws.
- b. The Zoning Administrator or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined by the Zoning Administrator or a Township representative. Nor shall

any person molest, intimidate, harass, or impede the Zoning Administrator or a representative of the Township in the lawful discharge of his or her powers and duties.

- c. Based on an alleged violation of this Ordinance, specifically designated employees or officers of the Township may enter the disposal area when accompanied by a representative of the facility.
- d. The Township Board shall designate by resolution no more than three (3) employees or officers to be given this responsibility and shall transmit copies of the resolution to Zoning Administrator and to the compost area operator. If the designated employee or officer of the Township confirms the alleged violation, the Zoning Administrator shall be contacted immediately.

**Section 1411 Convalescent and Nursing Homes**

- 1. All such complexes shall be constructed on parcels of at least three (3) acres.
- 2. There shall be provided a minimum of one thousand five hundred (1,500) square feet of open space for each one (1) bed in a Nursing Home. The one thousand five hundred (1,500) square feet of open space per bed or unit shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.
- 3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
- 4. All ingress and egress to the site shall



be directly from a hard surfaced street.

5. No building shall be closer than forty (40) feet to any lot line.
6. Building heights shall be no more than two (2) stories.
7. All such complexes shall provide for common service areas containing, but not limited to, central dining rooms, recreational rooms, and lounge areas.
8. In the case of housing complex for the elderly, minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.
9. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable State and Federal laws.

#### **Section 1412 Drive-in Establishments**

1. The site shall have at least one (1) lot line on a major thoroughfare.
2. The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained pursuant to the requirements of this Ordinance.
3. Drive-in establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
4. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
5. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the

street right-of-way to the nearest end of the curb radius.

6. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
7. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
8. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

#### **Section 1413 Temporary Outdoor Uses** (Added with Amendment 2006-03)

Temporary outdoor uses such as carnivals, car shows, camping, craft shows or circuses may be allowed in any zoning district provided the temporary use is similar in nature to those uses permitted in the district. A zoning permit identifying the location, sponsoring group or individual, and beginning and ending dates of the uses shall be obtained from the Township Zoning Administrator. The Zoning Administrator shall determine whether the use is appropriate at the proposed site within the district and shall determine any necessary site conditions such as off-street parking and other health, safety and welfare issues.

Other temporary uses deemed not similar to permitted uses in a district shall be reviewed by the Planning Commission and at its discretion, upon review of a site plan of the proposed temporary use, it may authorize the use, if it is found appropriate within the proposed district and at the proposed site, with any conditions determined necessary by the Planning Commission. If it is deemed appropriate, the Planning Commission may also hold a public hearing with notification in

accordance with **Section 1303** of this Ordinance.

Temporary outdoor uses shall be authorized for not more than a fourteen-day period and no less than thirty days shall elapse between the end of one authorized temporary outdoor use period and the beginning of another for the same proposed site within the district.

### **Section 1414 Golf Courses, Including Public and Private Commercial Facilities**

#### 1. Site Requirements:

- a. Minimum site shall be eighty (80) acres for a nine-hole course.
- b. Minimum site shall be one hundred sixty (160) acres for an eighteen (18) hole course.
- c. The minimum site for tennis, racket sport and swimming facilities shall be no less than four (4) additional acres.

#### 2. Buffering Requirements:

- a. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development.
- b. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated.

#### 3. Performance Standards: facilities, maintenance shed, toilets, lockers, standard restaurant and

- a. Accessory uses may include: clubhouse/pro shop, managerial drinking establishments, tennis, racket sport, and swimming

facilities.

- b. The clubhouse exterior design is to be of a residential character.
- c. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
- d. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted, but not internally.
- e. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may reduce this requirement.
- f. Access shall be so designed as to provide all ingress and egress to the site directly from a hard surfaced street.
- g. The total lot area covered with principal and accessory buildings shall not exceed five (5) percent.
- h. All artificial lights shall be directed away from adjoining properties.
- i. No outdoor loudspeaker or call system shall be routinely audible on adjoining property.
- j. Outside storage shall be properly screened.
- k. 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 principal building.

- i. 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 setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
- m. Toilet facilities for use by patrons shall be located conveniently. Satellite restrooms are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Clare County Health Department.
- n. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
- o. Water quality protective measures are required as follows:
  - i. Maintenance of erosion control barriers during construction and until all ground cover is established.
  - ii. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - iii. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.

- iv. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
- v. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
- p. Chemicals and their applications 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.
- q. 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 bond or other acceptable security.
- r. Swimming pools shall conform with the requirements of Section 3.26.

### **Section 1415 Golf Driving Ranges**

- 1. The minimum area shall be twenty (20) acres.
- 2. All ingress and egress to the site shall be directly from a hard surfaced street.
- 3. No building shall be located closer than three hundred (300) feet to any interior property line.
- 4. A shelter building with toilet facilities shall be provided which meets all requirements of the Clare County Health Department.
- 5. Development features, including the principal and accessory buildings and

structures, shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.

6. The minimum number of off-street parking spaces to be provided shall be the number required for the driving range in addition to the number required for each accessory use.

### **Section 1416 Home Based Businesses**

1. Home based businesses located in accessory buildings shall meet all requirements applicable to accessory buildings as set forth in **Section 1200**.
2. One (1) non-illuminated sign, not more than eight (8) square feet in area may be permitted for the purposes of advertising the home based business.
3. External storage of goods or materials is not allowed.
4. Home based business activities shall not have a detrimental affect on nearby residents by virtue of noise, smoke, or other emissions.

### **Section 1417 Home Occupations** (Added with 2005-01 Amendment )

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building. The Home Occupation shall occupy no more than the equivalent of twenty-five percent (25%) of the dwelling's ground floor area.
3. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence. No non-resident persons shall be

employed to assist with the business.

4. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purpose if the home occupation discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
9. There shall be no parking permitted within any setback areas.
10. No hazardous chemicals shall be stored on site.
11. No process, chemicals, or materials shall be used which are contrary to any applicable State or Federal laws.
12. One (1) non-illuminated nameplate, not more than six (6) square feet in area, may be permitted which shall contain

only the name and occupation of the resident of the premises.

13. Restaurants, animal hospitals, kennels, day care group homes, vehicle repair or bump shops, among others, shall not be considered as home occupations.

### **Section 1418 Hospitals**

1. Locational Requirements:
  - a. All ingress and egress to the site shall be directly from a hard surfaced street.
2. Site Requirements:
  - a. The minimum lot or parcel size for hospitals shall be ten (10) acres.
  - b. No more than twenty-five (25) percent of the site area shall be covered by buildings.
  - c. The building height of a hospital shall be no more than four (4) stories or forty-five (45) feet.
  - d. The minimum distance of any building from lot or right-of-way line shall be at least one hundred (100) feet for front, rear, and side yards for all two-story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet. Buildings less than two (2) stories shall be no closer than forty (40) feet from any lot line or right-of-way.
  - e. Access to and from any delivery or ambulance areas shall be directly from a major hard surfaced street.
  - f. A minimum of two (2) ingress/egress locations shall be required.
  - g. Noise producing activities, such as ambulance and delivery areas,

laundry, or power plant, shall not be located closer than three hundred (300) feet from any residential area.

3. Greenbelt Requirements:
  - a. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height. Said wall shall further be in accordance with the General Provisions article of this Ordinance.
  - b. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in this Ordinance.
4. Performance Standards:
  - a. All hospitals shall be licensed by the Michigan Department of Public Health.
  - b. Hospitals shall conform to applicable State and Federal laws.

### **Section 1419 Junkyards**

1. Locational Requirements:
  - a. All ingress and egress to the site shall be directly from a hard surfaced street. The Planning Commission may approve access to an unpaved or county local road if the Commission finds that such access point will further minimize impacts on other properties.
2. Site Requirements:
  - a. The minimum lot or parcel size for junkyards shall be five (5) acres.
3. Setbacks:
  - a. All enclosed areas shall be set back at least one hundred (100) feet from any front lot line.
  - b. Adequate standing and parking

facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

- c. Whenever the facility abuts a residential district, a transition strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.

4. Buffering Requirements:

- a. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the General Provisions Article of this Ordinance.
- b. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish, new materials and permanent construction.

5. Performance Standards:

- a. All activities shall be confined within the enclosed area. There shall be no stacking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a

completely enclosed building.

- c. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the Clare County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
- e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

**Section 1420 Kennels, Commercial**

- 1. A commercial kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.
- 2. Accessory buildings where animals are kept, runs, and exercise areas shall not be located closer than one hundred (100) feet to any adjacent residential lot line.
- 3. All kennels shall be operated in conformance with all applicable County, State and Federal regulations.
- 4. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.

5. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.
6. The intensity level of sounds shall not exceed seventy-five (75dbA) decibels at the lot line of industrial uses; sixty-five (65dbA) decibels at the lot line of commercial uses and fifty-five (55dbA) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the National Institute of Standards and Technology.
7. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
8. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
9. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.
10. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
11. The outside perimeter of the run and/or exercise area of a commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of animals.
12. All animals must be licensed and maintained in a healthful and careful manner.
13. Outdoor runs and breeding areas in

commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.

14. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
15. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
16. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

#### **Section 1421 Landscaping, Home and Garden Centers**

This use shall include, but need not be limited to, commercial sales establishments selling landscaping materials, home improvement materials and tools and related accessories.

##### **1. Site Requirements:**

- a. The minimum frontage shall be two hundred (200) feet.
- b. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
- c. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- d. All ingress and egress to the site shall be directly from a hard surfaced street, or from an approved shared access drive to such thoroughfare.
- e. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

2. Buffering Requirements:
  - a. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of the General Provisions Article of this Ordinance.
  - b. If the site is immediately adjacent to a residential district it shall comply with the buffering requirements of the General Provisions Article of this Ordinance.
  - c. Storage yards shall be completely obscured from view from public streets.

3. Performance Standards:
  - a. The site shall be kept in a neat and orderly fashion.  
  
Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
  - c. Storage or display of goods and materials shall not occur within the setback area.
  - d. No public address system shall be audible from any abutting residential parcel.
  - e. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
  - f. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies,

wetlands and drainage-ways.

4. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.

**Section 1422 Machine Tools, Metal Cutting, and Grinding Facilities**

All ingress and egress to the site shall be directly from a hard surfaced street.

The activity shall not have a detrimental effect on nearby residents by virtue of noise, smoke, or other emissions.

The Township shall establish reasonable measures to mitigate any such adverse impacts.

**Section 1423 Manufactured and Mobile Home Sales**

1. All ingress and egress to the site shall be directly from a hard surfaced street.
2. The area upon which new and/or used mobile homes and modular homes are displayed shall be hard surfaced or shall be grassed with a hard surfaced pedestrian access to each of the mobile homes and modular homes on display.
3. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.
4. All major repair including, but not necessarily limited to, structural replacement or HVAC reconstruction, shall be done in the enclosed building.

**Section 1424 Mini-Warehouses / Self-Storage Facilities**

1. Building separation between self-storage buildings on the same site



- shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
2. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
  3. A ten (10) foot landscaped greenbelt shall be provided between the property line or wall required along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line or wall where the site abuts any residential district. All materials shall be planted in conformance with the General Provisions Article of this Zoning Ordinance.
  4. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
  5. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
  6. All off-street parking areas and driveways shall be hard surfaced.
  7. All ingress and egress to the site shall be directly from a hard surfaced street.
  8. Building height shall not exceed one (1) story or fourteen (14) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
  9. No single storage building shall exceed seven thousand five hundred (7,500) square feet.
  10. All storage on the property, with the exception of item 11 below, shall be kept within an enclosed building.
  11. The outdoor storage of recreational

vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

12. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

#### **Section 1425 Petroleum Facilities, Including Production, Refining, or Storage of Petroleum or Other Inflammable Liquids**

1. All ingress and egress to the site shall be directly from a hard surfaced street.
2. The Planning Commission shall select an adequate greenbelt area to be situated between this use and industrial uses permitted by right.
3. No part of the site shall be contiguous to a residential district.

#### **Section 1426 Public Facilities**

1. Public facilities include: administrative offices, fire and police facilities, libraries, museums, recreational centers, and storage areas for public

equipment.

2. Site Requirements:

- a. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
- b. No more than thirty (30) percent of the gross lot area shall be covered by buildings.
- c. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
- d. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.

3. Buffering Requirements:

- a. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5) feet in height.
- b. All buildings housing mechanical equipment shall be landscaped and maintained in accordance with the requirements of the General Provisions Article of this Ordinance.

4. Performance Standards:

- a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.
- b. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions shall result.
- c. Outdoor storage areas shall be

located a minimum of fifty (50) feet from any residentially zoned property.

- d. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
- e. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
- f. Any sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

**Section 1427 Public Parks and Recreation Facilities**

- 1. Active recreation areas, shall not be located closer than three hundred (300) feet to any interior property line.
- 2. The project shall have no negative impacts on surrounding land uses, or mitigating measures shall be taken to eliminate said adverse impacts.

**Section 1428 Public Utility Buildings**

- 1. Public utility and service buildings and uses (without storage yards) shall be permitted when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity.
- 2. No building and/or structure shall be located in any required setback area.

**Section 1429 Rifle Ranges** (Added with 2005-01 Amendment)

No rifle range or other shooting facility shall be established except in full compliance with the design, planning and construction criteria published by the National Rifle Association as amended from time to time which standards are hereby adopted and incorporated by

reference. For further information, see National Rifle Association Range Department, Field Operations Division, 11250 Waples Mill Road, Fairfax Virginia 22030.

**Section 1430 Restaurant, Carry-Out, Fast-Food, or Drive-In (See also Drive-in Establishment).**

1. No drive-in, fast-food, or carry-out restaurant property line shall be located within five hundred (500) feet from an elementary, junior, or senior high school property line.
2. Points of vehicular ingress and egress shall be limited to an adjacent major street only.
3. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
4. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
5. The minimum distance between a driveway into the site from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
6. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
7. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified by Clare County. Any unpaved

area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

8. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
9. The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.
10. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a six (6) foot wall. The material being stored shall not be stacked higher than the wall.
11. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.
12. Drive-in establishment management shall provide adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
13. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive

days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:

- a. Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
- b. The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
- c. Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic.

### **Section 1431 Roadside Stands**

Roadside Stands include the sale of fruit, vegetables, eggs, cider and similar farm products. Meat packing or selling of meat or processed foods shall not be considered to be a roadside stand unless the facility is duly licensed by the state. All roadside stand uses are subject to the following requirements:

The maximum floor area of any building used for sales shall be five-hundred (500) square feet.

All buildings shall have a front setback of at least twenty-five (25) feet from the road right-of-way.

There shall be no more than two (2) temporary signs, neither sign to exceed sixteen (16) square feet of sign area. All signs shall be located on the roadside stand property.

All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) roads measured from the proposed right-of-way lines.

A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers.

### **Section 1432 Schools, Colleges and Universities**

1. The minimum area for public and private colleges, universities, and other such institutions of higher learning offering courses in general, technical, or religious education shall be forty (40) acres.
2. All ingress and egress to the site shall be directly from a hard surfaced street.
3. No buildings or other use of land, except landscaped passive areas, shall be situated within one hundred (100) feet of any private residence not a part of the institution of higher learning.
4. Land not utilized for buildings, parking, etc., shall be landscaped or kept in natural vegetation.
5. All parking shall be located in the side or rear yard.

### **Section 1433 Stables, Commercial**

1. Site Requirements:
  - a. Stables shall have a minimum lot

size of ten (10) acres for the first seven (7) horses and an additional one-half (1/2) acre for each horse thereafter.

- b. Commercial stables shall provide off-street parking at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- c. Stables may not be located in platted subdivisions.

2. Greenbelt Requirements:

- a. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching closer than fifty (50) feet to any dwelling on adjacent premises.
- b. A vegetative strip at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

3. Performance Standards:

- a. All stables shall be operated in conformance with all applicable County, State and Federal regulations.
- b. All animals shall be maintained in a healthy condition and carefully handled.
- c. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.

- d. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and Clare County Health Department regulations.
- e. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
- f. Stables and piles of manure or feed shall not be located closer than two hundred (200) feet to any lot line and one hundred and fifty (150) feet from any right-of-way line.
- g. No living quarters shall be located in any arena building.
- h. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.
- i. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

**Section 1434 Vehicle Filling Stations**

- 1. No repair work shall be permitted, other than incidental service, such as the addition of motor oil, windshield/wiper fluid or transmission fluid.
- 2. For facilities consisting of any underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.

3. No steam cleaning or undercoating shall be permitted.
4. A principal building, of not less than four hundred (400) square feet in area, shall be required.
5. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station. Vehicle Filling Stations may be permitted on lots of ten thousand (10,000) square feet. For each additional accessory use such as, but not limited to, a fast-food restaurant, car wash, or convenience store, an additional five thousand (5,000) square feet of lot area shall be provided. In no instance shall the percentage of building coverage on site exceed thirty five (35) percent.
6. Minimum lot width and frontage shall be not less than one hundred and fifty (150) feet.
7. A building shall be located more than fifty (50) feet from any right-of-way line.
8. All ingress and egress to the site shall be directly from a hard surfaced street, or from a shared access drive to such roadway. Access drives shall not be more than thirty (30) feet in width.
9. Not more than two (2) driveways onto adjacent roadways shall be permitted per road frontage. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
10. No drive or curb opening shall be located closer than twenty-five (25) feet to any intersection or adjacent residential property line, as measured along the property line. No drive shall be located closer than thirty (30) feet, as measured along the property line, to any other drive on the premises. No drive shall be located less than ten (10) feet from any lot line, as measured along the property line.
11. The entire lot, excluding the area occupied by buildings, shall be hard-surfaced with concrete or asphalt material, except landscaped areas which shall be separated from all paved areas by a low barrier or curb.
12. When adjoining residentially zoned property, a six (6) foot wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Zoning Administrator.
13. All motor vehicle washing equipment shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.
14. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6) foot obscuring wall with such storage being located in the rear yard.
15. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church, or other institution. Measurement shall be the closest distance between the pump islands and the exterior wall of the building used for public assembly.
16. There shall be no aboveground outdoor storage/dispensing tanks on site.
17. Restroom doors and/or service bay

doors shall not be visible from adjacent residential districts.

18. A permanent covered structure shall be provided over that portion of the pump island and drive area of any station wherein customers are required to dispense fuel into their own vehicles on a self-service basis. Such structure shall not be enclosed by walls and shall be provided with a minimum clearance of thirteen feet, six inches (13' 6") between the underside of the roof structure and the drive surface. For purpose of this Ordinance, setback requirements shall not apply to canopies; however, in no instance shall they extend beyond the property line.
19. Auto wash facilities, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:
  - a. All washing activities must be carried on within an enclosed building.
  - b. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
  - c. The entrances and exits of the wash facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
  - d. Provision shall be made for the drying of the vehicle's undercarriage during freezing weather prior to entering the public thoroughfare for all automatic auto wash facilities. In addition, such auto washes must also install underground heating elements at each vehicle exit to prevent icing at grade.
  - e. There shall be provided no fewer

than five (5) stacking spaces for each automatic wash lane.

- f. Vehicle stacking spaces shall be clearly separated from pump islands and from routes necessary for entering and exiting the property, and in a manner which precludes pedestrians from traversing through such space.
20. Convenience stores and/or fast food restaurants, when established in connection with the principal use on the same zoning lot, shall comply with the following standards:
  - a. Buildings shall be so arranged on site in a manner that screens any drive-through lanes from adjoining residentially zoned land.
  - b. Drive-through lanes shall be separated from pump islands and from routes necessary for entering and exiting the property.
  - c. Customer parking for convenience store and/or fast food use shall be located on the site in a manner which precludes pedestrians from traversing through drive-through lanes and off-street loading zones.
  - d. Loading zones shall be restricted to the rear or side yards.
  - e. There shall be provided no fewer than five (5) stacking spaces for the drive-through lane.
  - f. Food service areas shall be physically separated from vehicle repair and service facilities.
  - g. The sale of snack food items, commonly consumed by travelers (e.g., pop, candy, packaged snacks and goods dispensed through a vending machine), bread, milk, juice, cigarettes and sundry items shall be permitted as part of an Automobile Filling Station or

Automobile Service Facility provided that the sale of such items is clearly incidental to the sale of vehicular fuel and lubricants, minor parts and accessories; and further provided that the area used for the sale and storage of food and sundry items does not exceed a usable floor area of five hundred (500) square feet.

21. On-site parking shall equal the sum of the number of parking spaces required separately for each use.

### **Section 1435 Vehicle Repair Facilities**

#### **1. Locational Requirements:**

- a. For facilities including any underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
- b. All ingress and egress to the site shall be directly from a hard surfaced street, or from a shared access drive to such roadway.
- c. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
- d. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30) feet.
- e. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

#### **2. Site Requirements:**

- a. In addition to the minimum lot size of the district, Automobile Filling Stations shall have an additional five hundred (500) square feet of lot area for each pump over four (4), and one thousand (1,000) additional square feet of lot area for each additional bay over two (2).
- b. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, street or right-of-way.
- c. Any stored items may not be stacked higher than the enclosing wall height. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days.
- d. The minimum lot width and frontage shall be two hundred (200) feet.
- e. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet of the road right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- f. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
- g. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred and



twenty (120) percent of the volume of the tank.

- h. All outside storage areas for trash, auto parts and similar items shall be enclosed by a six (6) foot wall, with such storage being located in the rear yard.

3. Greenbelt Requirements:

- a. Greenbelts shall comply with the requirements of **Appendix A and B**.
- b. Restroom and service bay doors shall not be visible from adjacent streets and residential districts.

4. Performance Standards:

- a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.
- c. The sale or leasing of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
- d. No public address system shall be audible from any abutting residential parcel.
- e. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.

### **Section 1436 Vehicle Sales, Storage**

- 1. All ingress and egress to the site shall be directly from a hard surfaced street.
- 2. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, and trailers are placed shall be hard surfaced.
- 3. Ingress and egress shall be at least sixty (60) feet from the intersection of any two (2) streets.
- 4. No major repair or major refinishing to a vehicle shall be conducted on the subject site. All service and minor repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for minor repair may be stored outside provided such storage area is screened by an obscuring wall six (6) feet in height. There shall be no outdoor storage of materials.

### **Section 1437 Vehicle Wash Establishments**

- 1. All ingress and egress to the site shall be directly from a hard surfaced street.
- 2. All washing activities must be carried on within a building.
- 3. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
- 4. The entrances and exits of the wash facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- 5. Provision shall be made for the drying of the vehicles undercarriage during subfreezing weather prior to entering the public thoroughfare.

6. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
7. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
8. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

**Section 1438 Veterinary Clinics, Including Small Animal Hospitals**

1. All ingress and egress to the site shall be directly from a hard surfaced street.
2. The minimum area shall be two (2) acres.
3. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any interior property line.

**Section 1439 Wireless Communication Facilities**

1. Wireless Communication Antennas.
  - a. In order to encourage co-location and to minimize the number of Wireless Communication Support Facilities (WCSFs) within the Township, Wireless Communication Antennas (WCAs) shall be considered a permitted accessory use in all non-residential Zoning Districts when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is

attached. Provided further that the height of any WCA shall not exceed one hundred (100) feet unless:

- i. Located on a lawfully existing or approved WCSF; or
  - ii. Located on a structure existing prior to the adoption of this regulation; or
  - iii. Located on a structure which has received a height variance.
- b. An application to install a WCA in a non-residential zoning district shall require approval from the Township Zoning Administrator.
  - c. An application to install a WCA shall require a review by the Township Planning Commission, and shall include but not be limited to the following:
    - i. Evidence that adequate servicing cannot be attained from the placement of a WCA in a non-residential zoning district.
  - d. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
  - e. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15) feet in height and shall meet all zoning requirements.
  - f. WCAs shall not be allowed on any site used as a single-family dwelling unit.
  - g. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.

- h. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
  - i. This Section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
2. Wireless Communication Support Facilities (WCSF).
- a. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
  - b. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
  - c. The WCSF shall not be used for advertising purposes and shall not contain any signage.
  - d. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
  - e. The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be

measured from the boundary of the zoning lot to the closest portion of the WCSF or the accessory equipment structure or storage area, whichever is closer.

- f. The WCSF shall have a landscaped greenbelt so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent properties. A greenbelt, as selected by the Zoning Administrator or Planning Commission from among those provided in Appendix B, shall be constructed around the perimeter of a WCSF. Screen fencing shall also be required for public safety reasons. A chain linked or a solid wood fence at least six (6) feet in height shall be erected entirely around any communication tower and any related support facilities being utilized for commercial purposes. "No Trespassing" signs shall be posted around the wireless communication facility with the identity of the service provider and an emergency telephone number.
- g. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- h. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- i. If co-location is not part of the application, then the applicant shall provide evidence as to why co-location is not possible.
- j. This Section shall not exempt the applicant from such other

government review and permitting procedures (i.e., FCC, FAA, etc.).

- k. WCSFs shall not have a shiny or metallic finish.
  - l. The applicant is required to disclose whose wires will be connecting proposed towers so the Township can assess any separate franchise fees.
3. Replacement of Existing WCSF.
- a. An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:
  - b. The replacement WCSF shall not exceed a total height of one hundred and fifty (150) feet or, if the existing WCSF has an approved height greater than one hundred and fifty (150) feet, the replacement WCSF shall not exceed the approved height.
  - c. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
  - d. The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred and eighty (180) days of the Township's final construction inspection of the replacement WCSF.
  - e. If the location of the replacement WCSF is such that the existing WCSF must be moved before the

replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Township's final construction inspection of the replacement WCSF.

- f. The plan for a replacement WCSF in any zoning district must be reviewed by the Planning Commission which shall approve such requests that meet the requirements of this section.
4. Review Criteria For All New WCSFs, Except Replacement WCSFs
- a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
    - i. Insufficient structural capacity of existing WCSFs or other suitable structures and unfeasibility of reinforcing or replacing an existing WCSF;
    - ii. Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;
    - iii. Radio frequency interference or other signal interference problems at existing WCSF or others structures;

- iv. Other factors which demonstrate the reasonable need for the new WCSF.
  - v. Evidence that the denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services.
  - vi. Evidence that the refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
- b. WCSFs shall be designed to have sufficient structural capacity to allow for three (3) providers to be located on the structure. The wireless communication facility shall also be designed to show that the applicant has sufficient space on its site plan for an equipment building large enough to accommodate three (3) users. If an equipment building is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment building expansions to accommodate three (3) users.
- c. The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity, and that all requests for co-location of wireless communication facilities will be responded to within thirty (30) days from the date of receipt of written request.
- d. As an additional condition of issuing the permit to construct and operate the tower, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.
- e. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WCSF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed.
- f. New WCSFs shall meet the following additional criteria:
- i. The WCSF shall not exceed one hundred and fifty (150) feet in height;
  - ii. All WCSFs over one hundred (100) feet in height shall be designed for the co-location of three (3) additional WCAs, and shall therefore also be able to accommodate additional equipment storage structures.
  - iii. All WCSFs shall be setback a minimum of two hundred and fifty (250) feet from any residential zoning districts.
  - iv. The installation of a WCSF must be reviewed by the Planning

Commission which shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

- g. Application Requirements for New WCSFs.
  - i. A site plan prepared in accordance with Article 17 of this ordinance (Site Plan Review Procedures) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
  - ii. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.
- h. The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.

- i. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as required in subsection 6. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Board establishing the land in question as security for removal.
  - j. The application shall include a map showing existing and known proposed WCFs within the Township, and further showing existing and know WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
  - k. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCF is on the premises.
5. Additional Criteria for Special Condition Use and Review.
- a. The installation of a WCSF in any residential zoning district shall be located on lots or parcels of not less than two (2) acres.
  - b. As a condition of issuing a permit to place a WCSF in a Residential Zoning District, the applicant is required to provide proof that no suitable locations exist within any other "permitted use" or "Exceptional use" areas determined by the Ordinance.

- c. If the WCSF is not entirely surrounded by commercial or industrial uses, the applicant is required to provide a written justification of the need for this site showing why other non-residential sites are not suitable.
- d. The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

6. Removal of Abandoned WCSFs.

- a. Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for one hundred eighty (180) days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

7. Variances and Appeals.

- a. Variances from this Section may be requested from the Board of Appeals. Requests for additional

height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA so long as such additional height does not exceed thirty (30) feet. Appeals of a Planning Commission decision shall be taken to the Board of Appeals.

8. Certification of Registered Engineer.

- a. The Township may require a review by an independent registered engineer engaged by the Township and paid for by the applicant for the construction of wireless communication towers. Among other things, the Engineer may review and approve the written certification of the applicant's Engineer and may review and approve the applicant's studies showing the necessity for and location of the tower; and may review and approve the structural integrity, electrical integrity and electrical safeness of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the Township residents.

## Article XV

### Zoning Board of Appeals

#### **Section 1500 Statement of Purpose**

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

#### **Section 1501 Organization** (Restated with Amendment 2006-05)

1. There shall be created a zoning board of appeals consisting of five (5) members. One member shall be a member of the planning commission. One member may be a member of the Township Board of Trustees, but if so, this member may not serve as chairperson of the Zoning Board of Appeals. The remaining regular members and any alternate members shall be selected from the Township electors, and shall be representative of the population distribution and of the various interests present within the Township. An employee or contractor of the Township Board shall not serve on the Zoning Board of Appeals.
2. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision in a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until

the final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

3. A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his duties.
4. A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
5. The terms of office for members appointed to the zoning board of appeals shall be for three (3) years, except for members serving because of their membership on the planning commission or Township Board of Trustees, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
6. Rules of Procedure: The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Zoning Board of Appeals shall annually elect a chairperson, a vice chairperson, and a secretary.



7. **Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals' Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Township Board of Appeals shall not conduct official business unless a majority of the regular members of the Board is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976.
8. **Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
9. **Records:** The minutes of all meetings shall contain the grounds for every determination made by the Zoning Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Zoning Board of Appeals for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township.
- 10 **Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals.

**Section 1502 Jurisdiction** (Restated with Amendment 2006-05)

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, being Public Act 110 of 2006. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review,

interpretation, variance, or temporary land use permit. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance. This jurisdiction shall not include the hearing of appeals related to Special Land Uses or planned unit development (PUD) decisions.

**Section 1503 Authorized Appeals**  
(Sections 4 – 9 Restated with Amendment 2006-05)

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

1. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance. This authority shall not include review of Special Use or PUD decisions of the Planning Commission.
2. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

- b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
  - c. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
3. The permission and duration associated with temporary uses in the Township shall be as defined in the definitions chapter of this ordinance. (Restated with 2005-01 Amendment)

Standards for Variance Decisions by the Appeals Board:

- 4. The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
- 5. For Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
  - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is

not due to the applicants personal or economic difficulty.

- b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
  - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
  - d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
  - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
6. A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, upon the property for which a variance is being requested.
7. Conditions: The ZBA may impose conditions upon an affirmative decision. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable

manner. Conditions imposed shall do all the following:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
  - b. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
  - d. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.
8. Rehearing: No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8) days. No land use permit shall be granted which relies

upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

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

**Section 1504 Procedures** (Sections 1 & 3 Restated with Amendment 2006-05)

1. Notice of Appeal: A demand for a zoning appeal can be filed by: 1) A person aggrieved, or 2) an officer, department, board, or bureau of the state or local unit of government. Appeal requests for ordinance interpretation may be filed by written Notice of Appeal with the Township on forms established for that purpose and accompanied by such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a land use permit (either a plot plan or site plan) in **Section 1602** shall be submitted. Upon receipt of a Notice of Appeal, the Township shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Zoning Administrator's decision. (Amendment 2006-05)
2. Hearing: Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation, or variance

request, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.

3. The notices shall be given not less than fifteen (15) days before the date of the hearing on a proposed zoning amendment. (Amendment 2006-05)

a. Notices shall be sent to:

- i. The individual demanding the appeal.
- ii. The owner (or other owners) of the property, if different.
- iii. If the appeal or variance involves more than eleven (11) adjacent properties: the owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction or not.
- iv. If the appeal or variance involves less than 11 adjacent properties: occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.
- v. The general public by publication in a newspaper which circulates in the Township of Surrey.
- vi. Members of the planning commission, or legislative body and planning commission if the hearing is being held by the legislative body.

b. The notice shall include:

- i. The nature of the zoning amendment being requested.
  - ii. The property (ies) for which the appeal or variance has been made.
  - iii. If the appeal or variance involves less than 11 adjacent properties, also a listing of all existing street addresses within the property (ies) which is (are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
  - iv. The location where the demand for appeal can be viewed and copied prior to the date the zoning amendment hearing.
  - v. The date, time and location of when the hearing before the appeals board will take place.
  - vi. The address at which written comments should be directed prior to the hearing.
  - vii. For members of the appeals board only, a copy of the demand for appeal, the entire record on the case, the staff report, and supporting documents in the record.
4. Appearance: Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

5. **Stay:** An appeal shall postpone all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a postponement would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be postponed except by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.
6. **Fee:** A fee as established by the Township Board, shall be paid to the Township at the time the petitioner files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Zoning Administrator, Planning Commission, or Township Board is the initiating party.
7. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the total membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is

necessary for the preservation of property or personal rights and shall so certify on the record.

8. **Performance Bond:** In authorizing any variance, or in granting any temporary dwelling permits, the Zoning Board of Appeals may require that a cash deposit or certified check acceptable to the Township covering the estimated cost of conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Treasurer to insure faithful conformance with the conditions or completion of the improvements.

### **Section 1505 Review by Circuit Court**

The decision of the Zoning Board of Appeals shall be final. A review of a Zoning Board of Appeals decision is by way of Circuit Court

# Article XVI

## Site Plan Review and Approval

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### **Section 1600 Purpose**

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

### **Section 1601 Improvements Which Require Site Plan Approval**

Prior to the establishment of any new use, addition to an existing use, or the erection of any structure on a permanent foundation in any zoning district, a site plan shall be reviewed and approved subject to the following conditions.

1. **Site Plan Review Required:** Site plan review is required for all principal uses and structures permitted in all zoning districts (except individual single-family and two-family dwellings erected on a single lot or parcel and their accessory structures) and all Special Exception Uses.
2. **Administrative Review Option for Additions:** When the erection of a structure constitutes an addition to an existing use or building, the site plan review procedures may be modified by the Zoning Administrator to provide for an administrative review and approval in lieu of Planning Commission review and Township Board approval. The Zoning Administrator may conduct an administrative review if the following conditions are met:
  - a. No variances to the Zoning Ordinance are required.
  - b. The use will be conducted within a completely enclosed building.
  - c. The addition does not create additional parking demands.
  - d. The addition does not substantially alter the use or character of the site.
  - e. The use is in conformance with the provisions of the zoning district.
3. **Administrative Review Option for Building Re-occupancy:** In the case of re-occupancy of an existing building, the site plan review procedures may be modified by the Zoning Administrator to provide for an administrative review and approval in lieu of Planning Commission review and Township Board approval. The Zoning Administrator may conduct an administrative review if the following conditions are met:
  - a. No variances are required.
  - b. The use will be conducted entirely within an enclosed building.
  - c. The use will not increase the existing parking area by more than twenty (20) percent of the area which existed prior to re-occupancy.
  - d. The use will not substantially alter the use or character of the site.
4. **Conformance to Ordinance Requirements:** All site plans shall conform to the requirements of the Zoning Ordinance. Administrative review procedures are not intended to modify any ordinance, requirement, or development standard. The Zoning Administrator shall notify the Planning Commission of all site plans processed or scheduled for administrative review.
5. **Land Clearing:** No person shall undertake any activity such as grading, clearing, cutting and filling, excavating,

or tree removal in preparation for a use or structure which requires Planning Commission site plan review and approval until the proposed use or structure is authorized by a land use permit or pre-preliminary plat approval.

## **Section 1602 Data Required for Site Plans**

Site plans which require Planning Commission review and approval must comply with the requirements of paragraphs 1, 2 and 4 of this Section. Site plans which are eligible for administrative review must comply with paragraphs 1, 3 and 4 of this Section:

1. **General Information Required:** All site plans shall be prepared to meet the following requirements:
  - a. All site plans shall be drawn at a scale of at least one (1) inch equals one hundred (100) feet and include plan preparation and revisions dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000) feet of the site.
  - b. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
  - c. A survey of the property showing property line dimensions and bearings, any easements of record, required setbacks, and a written legal description.
  - d. Notation of all federal, state and local permits required.
  - e. Bear the seal of the responsible licensed professional engineer, professional land surveyor, or

registered landscape architect prior to issuance of a land use permit.

2. **Additional Information Required for Planning Commission Review:** Site plans which are subject to Planning Commission review shall provide the following information in addition to that which is required by paragraph 1 of this Section.
  - a. A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.
  - b. A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations.
  - c. Location of natural features such as, but not limited to, woodlots, streams, floodplains, pond, and existing topography at ten (10) foot intervals within one hundred (100) feet of the site.
  - d. Location and dimensions of existing structures within one hundred (100) feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.
  - e. Location and dimensions of proposed structures, including building elevations and floor plans.

- f. Location and dimensions of existing public rights-of-way (including paving material), private roads, or access easements of record.
  - g. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
  - h. Location of existing and proposed utilities, water mains, wells, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.
  - i. Location and dimension of existing and proposed exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport storm water or wastewater as well as point of discharge.
  - j. Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses, including a completed sign permit application.
  - k. Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.
  - l. Location, spacing, type and size of proposed plant materials.
  - m. Any required screening walls or landscape buffers between the use and the adjacent properties.
  - n. Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.
  - o. The Planning Commission reserves the right to require additional surveys and reports as they deem necessary. These reports may include but not necessarily be limited to wetlands determination, traffic impact analysis and detailed engineering reviews.
3. Additional Information for Administrative Review: Site plans subject to administrative review and approval shall provide the following information in addition to that required by paragraph 1 of this Section:
- a. A project statement that describes the proposed use of the building, the number of employees, floor plan layout, and other general information describing the proposed activity.
  - b. Existing and proposed parking serving the site, including any improvements (paving, striping, landscaping) which are contemplated.
  - c. Existing and proposed sidewalks, landscaping, and other site amenities.
  - d. Any required screening walls or landscape buffers between the use and the adjacent properties.
  - e. Existing and proposed site ingress and egress.
4. Any other information deemed necessary to determine if the proposed site plan conforms to the requirements of this Ordinance.



### **Section 1603 Action on Site Plans**

1. **Submission of Site Plan for Planning Commission Review:** The applicant shall provide twelve (12) copies of the proposed site plan to the Zoning Administrator. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Zoning Administrator shall place the site plan on the Planning Commission's agenda.
2. **Submission of an Administrative Site Plan:** The applicant for administrative review shall provide three (3) copies of the proposed site plan to the Zoning Administrator. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the site plan is complete, the Zoning Administrator shall proceed with an administrative review.
3. **Action:** The Township Board or Zoning Administrator, as applicable, shall finally disapprove, approve, or approve with conditions the site plan. The body or person authorized to take action on a site plan may impose conditions in addition to the specific requirements of this Ordinance. Any conditions recommended by the Planning Commission and approved by the Township Board, together with the reasons for those conditions, shall be provided in writing to the applicant by the Planning Commission and/or Township Board at the time the action is taken.
4. **Approval of Site Plans:** A site plan shall be approved if it contains the information required by and is in compliance with the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, and other Township planning documents.

5. **Approved Site Plans:** Three (3) copies of the approved site plan, including any written conditions, shall be maintained by the Zoning Administrator for future review and enforcement activities. One (1) copy shall be returned to the applicant; one (1) copy shall be filed with the planning consultant. If any variance was granted by the Board of Appeals, written evidence of the variance(s) shall be filed with the site plan and a copy provided to the applicant at the time of action.
6. **Site Plan Approval for Special Exception Uses:** The approval of site plans reviewed in conjunction with a Special Exception Use application shall occur subsequent to the approval of the Special Exception Use.
7. **Appeals:** No decision or condition related to a site plan approval shall be taken to the Board of Appeals unless the condition applies to a dimensional variance.

### **Section 1604 Standards for Granting Site Plan Approval**

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

1. **Arrangement of Structures:** Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties. Minor site plan amendments as defined in this Article, may be made by the person or body who approved the original site plan.
2. **Natural Features:** Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in

preserving the general appearance of the neighborhood or help control soil erosion or storm water.

3. **Vehicular and Pedestrian Traffic:** Site plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Clare County Road Commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured. For all uses other than one (1) and two (2) family dwellings, shared access between properties is required unless the applicant can provide evidence that the shared access is not feasible or reasonable.
4. **Public Safety:** Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of both the Township and the County.
5. **Drainage:** Site plans shall fully conform to the Clare County Drain Commission standards and evidence of such shall be provided.
6. **Erosion:** Site plans shall fully conform to the Clare County Soil Erosion and Sedimentation Control Ordinance and evidence of such shall be provided.
7. **Hazardous Waste Management:** Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
8. **Public Health:** Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the Clare County Health Department.

9. **Statutory Compliance:** Site plans shall fully conform with all applicable State and Federal statutes.

### **Section 1605 Site Plan Amendments**

1. **Approval Required:** Site plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the approving body or person. Minor site plan amendments, as defined in paragraph 2 of this Section, may be made by the person or body who approved the original site plan.
2. **Minor Site Plan Amendments:** Minor site plan amendments shall be limited to the following site plan changes:
  - a. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
  - b. Moving the ingress and egress drive a distance up to one hundred (100) feet, if required by the Clare County Road Commission or Michigan Department of Transportation.
  - c. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
  - d. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
  - e. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.

- f. Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
  - g. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
3. Approval Required: A site plan amendment shall be approved if it is found that the change will not adversely affect the initial reasons for granting approval.

**Section 1606 Review of Condominium Projects**

- 1. Planning Commission Review: Prior to the recording of a master deed and exhibits for a new condominium subdivision, the developer shall submit the master deed and exhibits for review by the Planning Commission and approval by the Township Board according to the requirements of this Article. Prior to the recording of a master deed and exhibits for the conversion or expansion of an existing condominium subdivision, the developer shall submit the master deed and exhibits for review and approval by the Planning Commission according to the requirements of this Article. Further, these documents may be submitted for review and approval by the Township Attorney, Township Engineer and Township Planner to verify compliance with local Ordinances and state law.
- 2. Conformance to Ordinance Requirements: All principal buildings and/or accessory structures within a condominium subdivision shall comply,

to the extent applicable, with the regulations of this Zoning Ordinance and the Surrey Township Subdivision Control Ordinance.

- 3. Conformance to Road Commission Requirements: All streets, public or private, within a condominium subdivision shall be designed and constructed in accordance with the current standards and specifications of the Clare County Road Commission. Private roads may be constructed with less width to paved area, but to the same design standards.
- 4. Dedication of Public Utility Easements: The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easements dedication documentation may be reviewed by the Township Attorney and Township Engineer.
- 5. Monumentation Required: All condominium subdivisions which consist in whole or in part of condominium units which are building envelopes shall be marked with monuments as required in **Section 1807**.

**Section 1607 Drawings of Record**

Upon completion of required improvements, the developer shall submit drawings of record, certified by a surveyor or engineer, to the Zoning Administrator. All submitted drawings of record shall be on a Mylar sheet

of at least thirteen (13) inches by sixteen (16) inches. In the case of a condominium subdivision, the developer shall provide two (2) copies of the recorded master deed and any exhibits.

### **Section 1608 Performance Bonds**

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Township Board or Zoning Administrator may require the deposit of a performance bond.

1. **Form:** A performance bond shall be in the form of a cash deposit or certified check the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance bond.
2. **Deposit:** The performance bond shall be deposited with the Township prior to the issuance of a land use permit. Upon receipt of the performance bond, the Township shall deposit the performance bond, if in the form of a cash deposit or certified check, in an interest bearing account.
3. **Return:** Upon satisfactory completion of the improvements for which the performance bond was required, as determined by the Zoning Administrator, the Township shall, within thirty (30) days, return to the applicant the performance bond deposited and any accrued interest.
4. **Completion of Improvements:** In the event the applicant fails to make the improvements for which the performance bond was required within the time period established by the Township, the Township shall have the right to use the performance bond and any accrued interest to complete the improvements. If the performance bond is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be

required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance bond deposited. Should the Township use all or a portion of the performance bond to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.

5. **Performance Bond Agreement:** At the time the performance bond is deposited with the Township and prior to the issuance of a land use permit, the applicant and Township shall enter into an agreement incorporating the provisions of this Section.

### **Section 1609 Validity and Revocation of Site Plan Approval**

1. **Validity of Approval:** An approved site plan shall be valid for a period of twelve (12) months from the date of issuance of the land use permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
2. **Revocation:** The Planning Commission shall have the authority to revoke site plan approval following a hearing if construction of the approved improvements does not proceed in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator may issue a stop

work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the meeting.

### **Section 1610 Fees**

Application fees shall be established by resolution of the Township Board. Before issuance of a land use permit, any costs incurred by the Township shall be paid for by the applicant.

## Article XVII

### Parking and Loading

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#### **Section 1700 Statement of Purpose**

Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Zoning Administrator may permit temporary occupancy for a period not exceed six (6) months.

#### **Section 1701 General Provisions**

1. **Applicability.** The provisions of this Section shall apply to on-site parking areas for all uses other than single family or two-family residences.
2. **Landscape plan requirement:**
  - a. No parking lot shall be constructed, enlarged or reconstructed until a parking pattern and a landscape plan for that parking lot has been approved by the Planning Commission, or in the case of a permitted use, the Zoning Administrator.
  - b. Landscape plans shall, where appropriate, be submitted as part of the site plan.
3. **Parking lot landscaping design criteria.** The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other live planting material shall be used to complement the tree landscaping, but shall not be the sole

contribution of the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

- a. Parking lots exceeding five thousand (5,000) square feet (including all parking spaces, lanes, drives and other areas devoted to vehicular use) shall be landscaped with at least one (1) landscape island. For each additional five thousand (5,000) square feet (or each additional twenty (20) spaces, whichever is greater) an additional landscape island shall be required. Landscape islands shall be at least one hundred eighty (180) square feet in size, with a minimum width of ten (10) feet. Landscape islands shall be landscaped with one (1) shade canopy tree and three (3) shrubs for every eight (8) parking spaces.
  - b. The Zoning Administrator may allow the substitution of bump-outs or other landscaping elements in lieu of landscape islands, as long as the square footage, width, and landscaping requirements are still met.
  - c. Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part.
4. **Planting materials:**
    - a. At least fifty (50) percent of all tree stock upon planting shall be of size equal to one-and-one-half (1 1/2) inch caliper for deciduous stock measured six (6) inches above

- ground level. Said tree shall be in a minimum of five (5) gallon container, if container stock; or a minimum of twelve (12) inch root spread, if bare root stock; or a minimum of fourteen (14) inch ball, diameter. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator.
- b. At least fifty (50) percent of all shrub stock shall be of a size equal to or greater than four (4) feet in height, if deciduous; twenty-four (24) inch spread, if creeping or prostrate evergreens; or twenty-four (24) inch spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Zoning Administrator.
  - c. All ground surfaces contained within areas designated on the landscape plan as planting areas shall be planted and maintained in ground cover. Other landscape elements such as decks, patios and stepping stones, landscape zones, and ponds may also be incorporated into such areas.
  - d. All landscaping shall be protected from vehicular traffic by standard concrete curbing and gutter.
5. Street frontage planting requirements:
- a. A landscaping strip ten (10) feet in width shall be located between the abutting sidewalk or proposed right-of-way line and the parking lot, except where driveway or other openings may be required.
  - b. The minimum planting required shall be Greenbelt "A", in **Appendix B**.
  - c. No foliage or structural features shall obstruct the visibility of the motoring public.
6. When required off-street parking in a nonresidential district abuts a residential district, the minimum planting required shall be Greenbelt "B", in **Appendix B**.
7. Maintenance:
- a. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy growing conditions, replacing it when necessary, and in conformance with original approvals. Yards shall be free of refuse and debris. All walls or fences shall be kept in good repair. All landscaping materials shall be placed so as not to grow out into the public right-of-way.
8. Cash escrow requirement. During the months of November through April the applicant shall post a bond or cash escrow equal to one and one-half (1 1/2) times the estimated cost of the landscaping project. Release of the cash escrow is conditional upon satisfactory installation of the greenbelts, parking lot landscaping and general landscaping.
9. Off-street parking for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
10. Required residential off-street parking spaces shall consist of a parking strip, parking bay driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the

Accessory Building provisions of  
**Section 1200.**

11. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere or site plan review approves a change in required parking.
12. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use or site plan review approves a change in required parking.
13. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on any area designated as a parking lot.
14. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Township Zoning Board of Appeals considers to be similar in type.
15. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
16. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Planning Commission, and where required by the Clare County Road Commission and the Michigan Department of Transportation.

17. Federal and State requirements regarding handicapped parking and access shall apply.
18. Off-street parking shall be permitted to occupy part of the required front yard only after the approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of fifteen (15) feet between the nearest point of the off-street parking area and the street right-of-way line.
19. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

**Section 1702 Collective Parking**

1. The collective provision of off-street parking for two (2) or more structures or uses may be permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.
2. The total of such off-street parking facilities for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:
  - a. Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.
  - b. Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be



supplied by off-street parking facilities provided for other buildings.

3. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Township Attorney, and filed with and made part of the application for a building permit.

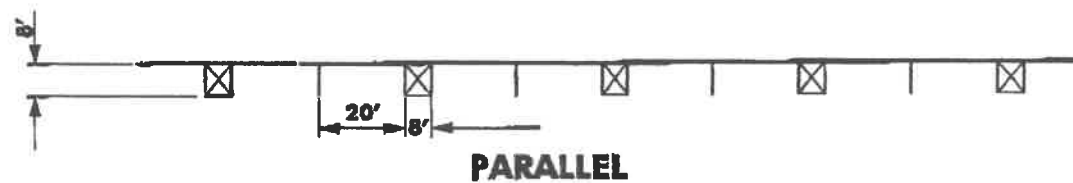
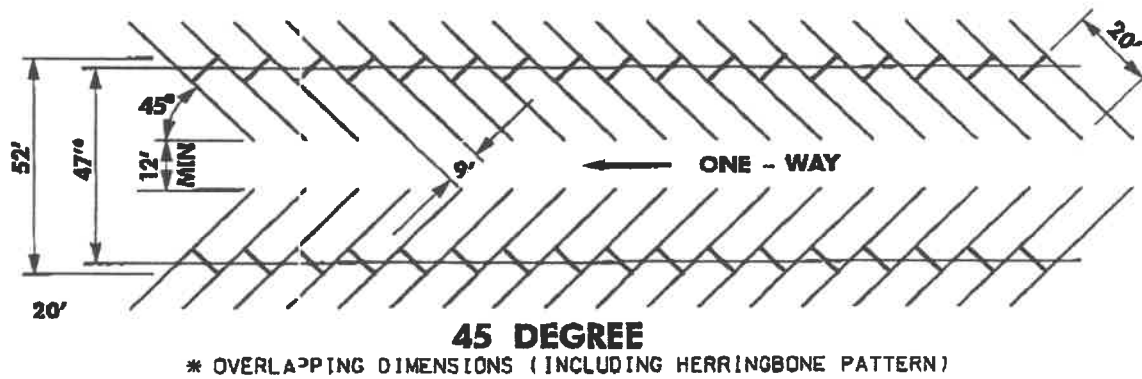
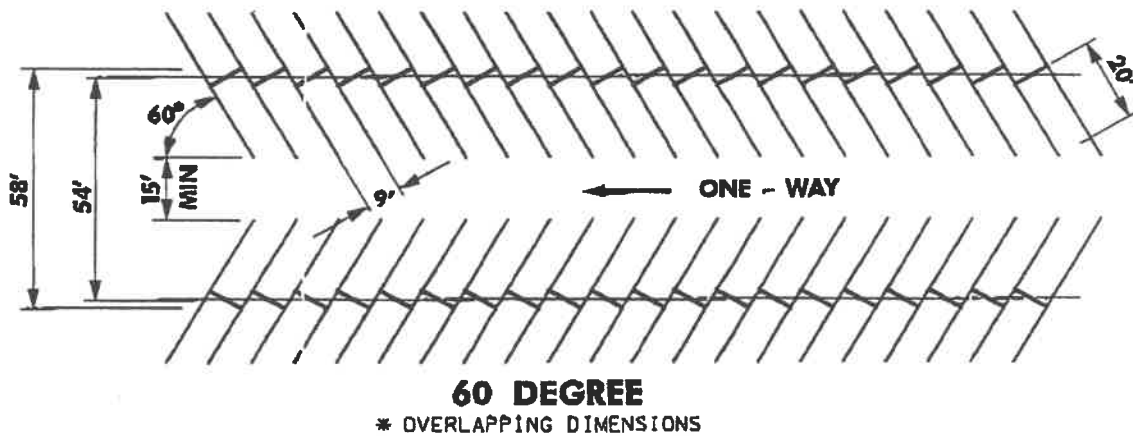
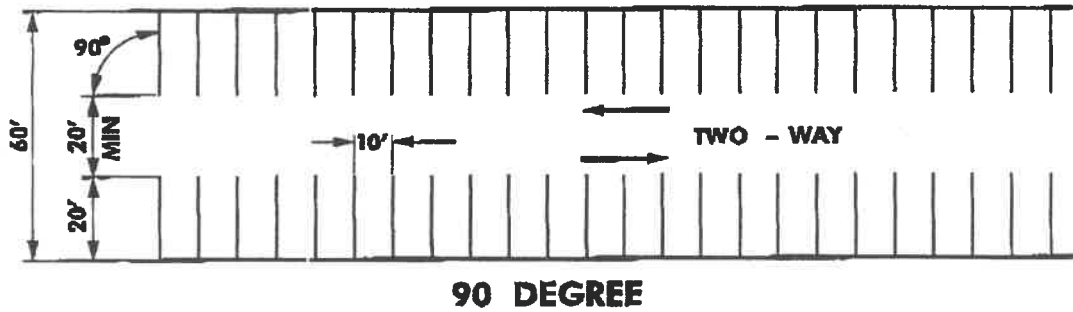
### **Section 1703 Off-Street Loading**

1. Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
2. Every such building or structure housing such a use shall be provided with at least one (1) truck standing, loading and unloading space on the premises not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.
3. Off-street loading space and access drives shall be drained, lighted and shall have appropriate bumper or wheel guards where needed.
4. When required off-street loading in a nonresidential district abuts a residential district, the minimum planting required shall be Greenbelt "B", in **Appendix B**.
5. Loading spaces shall not be construed as supplying off-street parking space.

### **Section 1704 Off-Street Parking Space Layout, Standards, Construction and Maintenance**

Whenever the off-street parking requirements of the Zoning Ordinance require an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

## Figure 12 PARKING LAYOUTS



1. No parking lot shall be constructed until a permit is issued by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions

of this Section will be fully complied with.

2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements. Refer to **Figure 12 and Table B**.

**Table B  
Parking Layouts**

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane*	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	28 feet	--	--
45°	12 feet	9 feet	20 feet	47 feet	52 feet
60°	15 feet	9 feet	20 feet	54 feet	58 feet
90°	20 feet	10 feet	20 feet	60 feet	--

\* Measured from the centerlines of the parking stall borders

3. Each entrance and exit, to and from any off-street parking lot located in an area zoned for other than one (1) family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any one (1) family residential district.

deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

4. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or landscaping subject to the approval of the Planning Commission and in accordance with the provisions set forth in this Ordinance.

6. The entire parking area, including parking spaces, driveways, and maneuvering lanes, required under this section, shall be provided with asphaltic, concrete or double seal-coat surfacing in accordance with the specifications of Surrey Township. The parking area shall be surfaced prior to issuance of a Certificate of Occupancy for the facility which it serves. All parking lots shall be striped according to the approved site plan.

5. When a front yard setback is required, all land between said screening and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with

7. In the event that inclement weather or other conditions beyond the control of

the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Zoning Administrator may permit temporary occupancy for a period not-to-exceed six (6) months. A mandatory condition of this temporary occupancy shall be that a cash deposit, certified check, irrevocable bank letter of credit or performance bond acceptable to the Township, in the full amount necessary to provide the surfaced area, be deposited with the Surrey Township Treasurer, prior to any occupancy of the facility which it serves.

8. Those nonresidential structures in existence and operational at the time of adoption of this Ordinance amendment shall be exempt from the provisions regarding hard surfacing except that asphalt, concrete or double seal-coat surfacing shall be required for all parking required as a result of business expansion beyond fifteen (15) percent of the usable floor area of the development existing on-site.
9. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards buildings.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. Except for those serving single and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped areas.

12. The Planning Commission may modify the yard or wall requirements where no good purpose would be served by compliance with the requirements of this section.

### **Section 1705 Parking Space Requirements**

1. The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered or expanded shall be determined in accordance with **Table C**.

**Table C  
Parking Space Requirements**

<b>Use</b>	<b>Required Parking Spaces</b>
1. One (1) family dwelling or mobile homes.	Two (2) for each dwelling unit.
2. Multiple dwellings.	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and motel.	One (1) for each unit, plus one (1) for each employee on the largest shift, and required parking for accessory uses.
5. Bed and breakfast.	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns.	Two (2) spaces, plus one (1) space for each room to be rented plus parking as required for each accessory use.
7. Hospitals.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee.
8. Churches.	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), or buildings of similar uses with fixed seats.	One (1) for each six (6) seats, plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each three (3) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.
11. Elementary and junior high school.	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12. High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.
13. Libraries, museums, and post offices.	One (1) for each eight hundred (800) square feet of usable floor area plus one (1) for each two (2) employees.
14. Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.

15. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
16. Golf course open to the general public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
17. Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
18. Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
19. Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
20. Bowling lanes.	Five (5) for each bowling lane plus accessory uses.
21. Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one (1) for each one hundred fifty (150) square feet of usable floor area, whichever is greater.
22. Restaurants, clubs, establishments for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
23. Furniture and appliance, household equipment, repair shops, personal service establishments, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand (1,000) of square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
24. Automobile service and repair facilities.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
25. Self service filling station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
26. Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
27. Mortuary establishment including funeral homes.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.
28. Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.

29. Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
30. Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
31. Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 1/2) spaces for each additional chair.
32. Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
33. Auto wash.	One (1) for each one (1) employee. In addition, waiting space for five (5) vehicles shall be provided on the premises.
34. Banks.	One (1) for each one hundred (100) square feet of usable floor area.
35. Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
36. Nursery school, day nursery, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.
37. Business offices or professional offices except as follows in number	One (1) for each two hundred (200) square feet of usable office floor area.
38. Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
39. Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
40. Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

**Table D  
Handicapped Accessible Parking Requirements**

<b>Total Spaces in Parking Lot</b>	<b>Required Number of Accessible Spaces</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two (2) percent of total
Over 1,000	Twenty (20), plus one (1) for each one hundred (100) over one thousand (1,000).

2. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in **Table D**, and identified by above grade signs as reserved for physically handicapped persons.
  
3. Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide and must meet all other applicable requirements as to size as set forth in this Section per State requirements.



# ARTICLE XVIII

## Regulation of Condominium Developments

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### **Section 1800 Application**

The following regulation shall apply to all condominium developments within Surrey Township.

### **Section 1801 General Requirements**

All condominium developments within Surrey Township shall be subject to all requirements and standards of the applicable zoning district, except as specifically provided herein. All condominium developments shall also be serviced by a public water supply and public sanitary sewage system where available, except in accordance with Section 71a of the Condominium Act, Act 59 of 1978, as amended. These developments shall be located in or near the centers of the highest concentration of residents and businesses. They shall further be located along major streets and other appropriate urban facilities and services.

### **Section 1802 Initial Information**

Concurrently with notice required to be given Surrey Township, pursuant to Section 71 of PA of 1978, as amended (The Condominium Act), a person, firm, corporation intending to develop a condominium development in the Township shall provide the following information:

1. The name, address, and telephone number of:
  - a. All persons, firms, or corporations with any ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

- b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
- c. The developer or proprietor of the condominium development.

2. The Legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
3. The acreage of the land on which the condominium development will be developed.
4. The purpose of the development (for example, residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed on the subject parcel.

### **Section 1803 Information to be Kept Current**

The information shall be furnished to the Surrey Township Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

### **Section 1804 Site Plans for New Projects**

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

**Section 1805 Site Plans for Expandable or Convertible Project**

Prior to expansion of or conversion to a condominium development, the project shall undergo site plan review and approval pursuant to **Article XVI** of this Ordinance.

**Section 1806 Master Deed, Restrictive Covenants, and "As Built" Survey**

1. The condominium development developer or proprietor shall furnish Surrey Township with the following:
  - a. Fourteen (14) copies of the Master Deed;
  - b. Fourteen (14) copies of all restrictive covenants; and
  - c. Two (2) copies of an "as built" survey.
2. One (1) copy of each of the above shall be provided to the Surrey Township Zoning Department and one (1) copy to the Surrey Township Assessor.
3. The "as built" survey shall be reviewed by the Building Department for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

**Section 1807 Monuments Required**

All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in

concrete at least four (4) inches in diameter.

2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line.
3. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monument is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All units corners and the intersection of all limited common elements and all common elements shall be monument in the filed by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.

8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not-to-exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Surrey Township, whichever the proprietor selects in an amount to be established by the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

### **Section 1808 Compliance with Federal, State, and Local Law**

All Condominium developments shall comply with Federal and State statutes and local ordinances.

### **Section 1809 Occupancy of Condominium Development**

The Surrey Township Zoning Department may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted in an amount approved by the Township Board sufficient to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

### **Section 1810 Residential Design Requirements**

1. Condominium developments may be located in any residential district and shall be subject to all requirements and standards of the applicable residential district.

2. A single-family detached condominium project shall be subject to the requirements of Surrey Township, as provided by the Surrey Township Subdivision Regulations.
3. Roadways within a single-family condominium project shall be constructed in accordance with minimum road standards approved by the Township Engineer. Such minimum standards shall be designed to permit access by residents and public safety vehicles at all times.
4. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
5. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of three (3) feet in width and be so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
6. All unimproved surface area of the site shall be planted or natural vegetation, except that patios, terraces, decks, and similar site features may be allowed.
7. Utilities
  - a. An adequate storm drainage system shall be required in all developments.

- b. A sanitary sewer system shall be required as regulated by the Clare County Health Department.
- c. A water supply system shall be required as regulated by the Clare County Health Department.
- d. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted with the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. This provision shall not apply to overhead lines which existed at the time of this ordinance adoption.
- e. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

### **Section 1811 Final Documents To Be Provided**

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet of at least thirteen (13) inches by sixteen (16) inches with an image not-to-exceed ten and one-half (10.5) inches by fourteen (14) inches.

# ARTICLE XIX

## PLANNED UNIT DEVELOPMENTS

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### **Section 1900 Intent**

The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Article provides incentives and opportunities for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Article. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Article allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

### **Section 1901 Application of Planned Unit Development Provisions**

1. **Minimum Parcel Criteria:** The provisions of this Section may be applied to any parcel of land fifteen (15) acres or greater, located in any residential district, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
2. **Exceptions to Minimum Parcel Criteria:** Notwithstanding the provisions of paragraph 1., an application for a planned unit development on a parcel of land of less than fifteen (15) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exists:
  - a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
  - b. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
  - c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
3. **Application Criteria:** An applicant for planned unit development must demonstrate all of the following:
  - a. Application of the planned unit development provisions will result in one (1) of the following:
    - i. A recognizable and material benefit to the future residents of the project as well as the community, where such benefit would otherwise be unfeasible

- or unlikely without application of the planned unit development provisions; or
  - ii. The long-term conservation of natural features and the environmental character to the Township will be achieved; or
  - iii. A nonconforming use shall be rendered more conforming to the zoning district in which it is situated.
- b. The proposed type and density of use shall not result in an unreasonable increased burden upon public services, facilities, and/or utilities in comparison to the use or uses otherwise permitted by the underlying zoning district.
  - c. The proposed planned unit development shall not result in any unreasonable negative economic impacts on the surrounding properties.

## Section 1902 Design Standards

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

1. **Residential Dwellings:** The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing may be incorporated as a means of conserving natural features and providing additional common open space.
2. **Permitted Residential Density:** The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, as modified by the following formula:
  - a. Gross parcel area less the entire area occupied by proposed or existing dedicated public right-of-ways, and less eighty (80) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the underlying zoning district to establish the maximum number of permitted dwelling units.
3. The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the Clare County Health Department standards. The minimum permitted lot size for a detached single-family dwelling in areas served by public sewer and water shall not be less than eleven thousand (11,000) square feet.
4. **Common Open Space:** All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. Up to twenty-five (25) percent of the open space requirement may be fulfilled by wetland, floodplain, and/or open water areas.
5. **Educational and Recreational Uses:** Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, non-motorized trails, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be

applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.

6. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10) percent of the gross area of a parcel greater than twenty (20) acres.

a. The following commercial uses may be permitted within a planned unit development:

- i. Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
- ii. Banks, credit unions, savings and loan associations, and similar financial institutions.
- iii. Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
- iv. Personal service establishments which perform services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber

shops, photographic studios, and dry cleaners.

- b. Adjacent property which is zoned commercial shall not be applied to this provision.
- c. Planned commercial uses shall be accessed by public roads and sited in such a manner as to discourage through traffic within the planned unit development or adjacent residential areas.
- d. Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.

7. Off-Street Parking and Loading: Off-street parking and loading/unloading spaces shall be provided in accordance with **Article XVII** of this Ordinance.

8. Other Site Improvements: Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

9. Perimeter Setback and Buffering: The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent uses or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform

at all points on the perimeter of the development.

- a. However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

10. Phasing: Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.
11. A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.
12. Planned Unit Development Agreement: The plan shall contain such proposed covenants, deed restrictions,

easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

13. The applicant shall make such easements, covenants and other arrangements, and shall furnish such performance bonds, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.
14. Land Division Requirements: All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Land Division Act, PA 591 of 1996 (formerly Subdivision Control Act, PA 288 of 1967), as amended, and with the Surrey Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of



Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

### **Section 1903 Procedure for Review and Approval**

1. Optional Conceptual Planned Unit Development Submittal: An applicant for planned unit development approval may prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.
2. The applicant shall provide twelve (12) copies of the conceptual submittal to Zoning Administrator at least twenty-one (21) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Planning Commission's agenda.
3. The following minimum information must be provided as part of the concept submittal.
  - a. Statement of purpose, objectives, and development program including:
    - i. Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
    - ii. Total project area.
    - iii. Description of existing site characteristics.
    - iv. Description of proposed character of the development.
  - b. Generalized development plan and program, including:
    - i. Overall map at a minimum scale of one (1) inch equals two thousand (2,000) feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
    - ii. Generalized graphic depiction at a scale of one (1) inch equals two hundred (200) feet showing the following:
      - a) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
      - b) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
- v. Densities, areas and setbacks for various residential types.
- vi. Area and percent of developed and undeveloped open spaces.
- vii. Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
- viii. Proposed project phasing and estimated timing schedule by phase to completion.
- ix. Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.

- c) Existing adjacent land uses, zoning and structures within 200 feet of the proposed planned unit development boundary.
  - d) Proposed internal pedestrian and vehicular circulation system.
  - e) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
  - f) Areas to be preserved in a natural state.
- iii. Other data or graphics which will serve to further describe the proposed planned unit development.
4. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission may refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant. The Planning Commission shall report the final results of this review in writing to the Township Board.
5. Preliminary Planned Unit Development Submittal: A preliminary planned unit development submittal shall be processed in accordance with the following procedures:
- a. The applicant shall provide twelve (12) copies of the preliminary planned unit development submittal to the Zoning Administrator at least twenty-one (21) days prior to the

- meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.
- b. The following minimum information must be provided by the preliminary planned unit development submittal. If the applicant did not prepare a conceptual submittal, the preliminary planned unit development submittal shall also include the information required as part of the concept submittal.
- i. Existing Site Features
    - a) Physical development plan prepared at a minimum scale of one (1) inch equals one hundred (100) feet.
    - b) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
    - c) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.
    - d) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.

- e) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
  - f) Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.
- ii. Proposed Development Features
- a) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
  - b) Layout, numbers, and dimensions of single-family lots, including building setback lines.
  - c) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
  - d) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
  - e) Depiction of major wooded areas and description of means to be employed to preserve them.

- f) An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
  - g) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Clare County Drain Commissioner.
  - h) Conceptual site grading and conceptual landscaping plans
  - i) Depiction of proposed development phases.
  - j) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
- iii. Tabulations
- a) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
  - b) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
  - c) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.

iv. Planned Unit Development Agreement

- a) Legal description of the total site.
  - b) Statement of developer's interest in the land proposed for development.
  - c) Statement regarding the manner in which open space is to be maintained.
  - d) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
  - e) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
  - f) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
  - g) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.
6. The Planning Commission shall accept the submittal and refer the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
7. The Planning Commission shall review the preliminary planned unit

development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and then set a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:

- a. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township.
  - b. Notice of the public hearing shall be given as set forth in **Section 2303**. (Restated with Amendment 2006-05)
8. The Planning Commission shall hold a public hearing. After the public hearing, the Planning Commission shall submit a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending preliminary approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of **Section 1901** exist and that the requirements of **Section 1902** have been met.
9. The Township Board shall review the public hearing report and the Planning Commission recommendation and either approve, approves with modification, or deny the preliminary planned unit development submittal.
10. Following approval of the preliminary planned unit development submittal, the Township Board shall authorize the developer to prepare the planned unit development agreement and the final planned development submittal.
11. The developer shall prepare a planned unit development agreement which shall be reviewed by the Township Attorney, Planner, and Engineer.

12. The Township Board shall review the planned unit development agreement and either approve, approve with conditions, or deny the planned unit development agreement.
13. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two (2) such twenty-four (24) month extensions may be granted.
14. Final Planned Unit Development Submittal
  - a. The final planned unit development submittal for all or a portion of the total planned unit development shall be reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.
15. The final planned unit development submittal must be prepared as one (1) of the following:
  - a. Subdivision Plat as Defined by the Land Division Act
    - i. The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the requirements of the Michigan Land Division Act, PA 591 of 1996, as amended, and with the Surrey Township Subdivision Control Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.
16. The following minimum information must be provided by the developer at the time of filing of a final planned unit
  - ii. Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.
  - b. Condominium Plan as Defined by the Condominium Act
    - i. The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

development submittal for all or a portion (phase) of a planned unit development:

- a. Detailed grading plan.
- b. Detailed landscaping plan.
- c. Detailed utilities layout.
- d. Tabulations showing:
  - i. Total phase acreage and percent of total planned unit development.
  - ii. Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
  - iii. Total phase density and percent of total planned unit development.
  - iv. Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one (1) bedroom).
  - v. Percent of ground area covered by structures other than detached single-family dwelling units.
- e. Supporting materials
  - i. Legal description of the total phase, each use area, and dedicated open space.
  - ii. Copies of covenants, easements, and other restrictions to be imposed.
  - iii. Proposed dates of construction start and completion of phase.

17. The final planned unit development submittal shall not:

- a. Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by ten (10) percent or greater as determined by the Planning Commission; or
- b. Involve a reduction of the area set aside for common space; or
- c. Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
- d. Increase by more than five (5) percent the total ground area covered by buildings.

18. The final planned unit development submittal shall be processed in accordance with the following procedures:

- a. The applicant shall provide twelve (12) copies of the final planned unit development submittal to the Zoning Administrator at least twenty-one (21) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.
- b. The Planning Commission shall accept the submittal and refer the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate State and County agencies for review and recommendation.
- c. The Planning Commission shall review the final planned unit development submittal to assure conformance with the approved preliminary planned unit

development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance, require modifications to assure conformance.

19. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:
  - a. Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
  - b. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
  - c. The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
20. Following approval of a final planned unit development submittal by the Planning Commission, the developer may begin processing the plat through

the Township Board in conformance with the Land Division Act and the Surrey Township Subdivision Ordinance, or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

**Section 1904 Appeals.** (Restated with 2005-01 Amendment)

Appeals. Any applicant under this section aggrieved by a decision made under this Article may take an appeal to the Zoning Board of Appeals.

**Section 1905 Fees**

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.

# Article XX

## Planning Commission

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Article XX – Planning Commission was added with Amendment 2006-05.

### Section 2000

The Surrey Township Planning Commission shall have all authority and responsibility for all tasks granted to Planning Commissions under PA 110 of 2006 and Act 168 of 1959 and is hereby continued. Resolution 1991-18 is incorporated by reference as though fully set forth herein.

### Section 2001

? An elected officer of the Township shall not simultaneously serve as a member or an employee of the Planning Commission. One member of the Planning Commission may be a member of the Township Board however.

### Section 2002

A member of the Planning Commission may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

### Section 2003

The Planning Commission shall elect from its members a chairperson, a secretary and other officers or establish such committees as it considers necessary from time to time, and may engage any employees, including for technical assistance, it requires. Elections of officers shall be held once every two years.

### Section 2004

Members of the Planning Commission may be reimbursed for reasonable expenses actually incurred in the discharge of their duties and may receive compensation as fixed by the Township Board by resolution from time to time.

### Section 2005

With the approval of the Township Board the Planning Commission may engage the services of a planning expert. Compensation for the planning expert shall be approved and paid by the Township Board.

### Section 2006

The Planning Commission shall meet not less than twice annually, giving notice not less than fifteen (15) days prior to the meeting by publication in a newspaper of general circulation in the zoning jurisdiction. The Planning Commission is subject to the Open Meetings Act, being MCL 15.261 through 15.275.

### Section 2007

The Planning Commission shall at least once per year prepare for the township Board of Trustees a report on the administration and enforcement of the Zoning Ordinance on recommendation for amendments or supplements to the ordinance.



# Article XXI

## Subdivision Regulations

### Section 2100 General Purpose

The purpose of this Article is to:

1. Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
2. Secure adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
3. Provide individual property lots of maximum utility and livability.
4. Insure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.

### Section 2101 Scope

This Ordinance shall apply to all lots splits resulting in more than two (2) lots. It shall not apply to any lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is this Ordinance intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, Ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other Ordinance of this Township, the provisions of this Ordinance shall control. All lot splits shall be reviewed first by the Planning Commission for recommendation to the Township Board.

### Section 2102 Requirements

No building permit shall be issued for and no building shall be constructed, placed or moved upon any parcel having less than the minimum lot and area sizes and frontage to depth ratios as described for the use district in which it is located unless such parcel of land is included within a duly approved and recorded plat.

### Section 2103 Roadway Dedication

The Zoning Administrator is hereby given the right and authority to require the conveyance or dedication to the public of a sixty-six (66) foot wide right-of-way for ingress and egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to granting of a building permit and/or certificate of occupancy and to further secure the public health, safety, and general welfare.

### Section 2104 Division of Unplatted Parcel

The division of an unplatted parcel of land involving the dedication of a new street shall require the prior approval of the Township Assessor. All such applications shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued until the Township Assessor has approved the division of such land.

### Section 2105 Platting Procedure and Data Required

1. There shall be three (3) steps in plat approval.
  - a. Submittal of a pre-preliminary plat, describing and denoting the general concept. This step may be an informal review between the

developer and the Planning Commission in which concepts, ideas, and their interaction with Township Ordinances and other pertinent information may be discussed with the developer and the Planning Commission. Formal drawings need not be presented at this step.

- b. Submittal of a preliminary plat, showing development in accurate detail.
  - c. The final plat.
2. It is the responsibility of the subdivider of every proposed subdivision to have a registered surveyor or engineer prepare a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for the required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies shown. All construction plans shall be prepared in accordance with their standards or specifications.
3. The design of the subdivision should preserve, insofar as possible, all existing natural features which add value to residential developments and enhance the attractiveness of the community, such as trees, watercourses, historic spots, and similar irreplaceable assets.

### **Section 2106 Platting Procedure**

1. Submittal: The subdivider or developer shall submit twelve (12) copies of any plat at each request for approval, together with a topographical map. These shall be submitted to the Township at least twenty-one (21) days

before a meeting of the Township Planning Commission.

2. Size and Scale: The plat shall be on paper and shall be not less than twenty-four (24) inches by thirty size (36) inches, at a scale of at least one (1) inch to one hundred (100) feet showing the date and North arrow.
3. Information Required: The following shall be shown on the plat or submitted with it:
- a. The name of the proposed subdivision.
  - b. Names, addresses, and telephone numbers of the subdivider and the surveyor preparing the plat as well as every person having any interest therein.
  - c. Location of the subdivision, giving the section, township and range, numbers and the name of the township and county.
  - d. The names of abutting subdivisions.
  - e. Statement of intended use of the proposed plat, such as, residential single family, two-family and multiple housing; commercial, industrial, recreational, or agricultural. Also proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single-family dwellings. Also any sites proposed for parks, playgrounds, schools, or other public uses.
  - f. A map of the entire area scheduled for development, if the proposed plat is a portion of a larger holding intended for subsequent development.

- g. A location map showing the relationship of the proposed plat to the surrounding area.
- h. The current land use and existing zoning of the proposed subdivision and the adjacent tracts.
- i. Proposed streets, street names, right-of-ways and roadway widths.
- j. Proposed lot lines and the total number of lots by block.
- k. Contours shall be shown at five (5) foot intervals where slope is greater than one (1) percent and two (2) foot intervals where slope is one (1) percent or less.
- l. A site report as described in the rules of the State Department of the Public Health. The site report is not required if the proposed subdivision is not to be served by public sewer and water systems.
- m. Twelve (12) copies of proposed protective covenants and deed restrictions, or a statement in writing that none are proposed.
- n. Proposed right-of-way easements, showing location, width, and purpose.
- o. Sign permits for any planned permanent sign.
- p. Evidence that the school district in which the plat is proposed has received notice of the proposed development.

**Section 2107 Determination by Board**

- 1. Validation: After pre-preliminary approval by the Planning Commission, the subdivider shall submit to the Township a copy of the preliminary plat meeting the requirements of Sections

112(1) and/or 113 through 119 of the Land Division Act. The subdivider shall also submit a written application for approval and the fee established by this Ordinance for review of plats.

- 2. The Planning Commission shall hold a public hearing, a notice of which shall be published in a newspaper having general circulation in the Township. The Township shall send a notice of meeting by ordinary mail to all property owners within 300 feet of the subject property at the address listed in the Township tax rolls.
- 3. Tentative Approval: After at least two-thirds (2/3) of the members of the Planning Commission have personally viewed the parcel to be subdivided, the Township Planning Commission may recommend to approve or reject the preliminary plat under this Ordinance and/or under Section 112(4) of the Land Division Act before distribution to other approving authorities and the Township Board.
- 4. Distribution to Authorities: The subdivider shall submit to the various approving authorities the number of validated copies of the preliminary plat required by Sections 112 through 119 of the Land Division Act. The subdivider shall then file with the Township a list of all authorities to whom validated copies of the preliminary plat have been distributed.

**Section 2108 Actions**

- 1. Letters of Conditional Approval or Rejection: When the Subdivider has secured the approvals of the various approving authorities as required by Sections 113 through 119 of the Land Division Act, he shall deliver all copies to the Township .
- 2. The Township Board shall impose such requirements as are reasonably related to the best interests of the Township,

such as screening, greenbelts, deed and plat restrictions, street lighting districts, underground utilities and signs identifying or advertising the plat.

3. After a recommendation of the Planning Commission, the Township Board shall consider the preliminary plat at its next meeting but no later than thirty (30) days after receipt of the Planning Commission recommendation.
4. Following its consideration, the Township Board shall within thirty (30) days either approve or reject the preliminary plat.

### **Section 2109 Conditions and Duration of Approval**

1. Conditions: Approval of a preliminary plat shall not constitute approval of the final plat. Final plat approval shall be conditioned upon all conditions and requirements set forth with the preliminary plat being met.
2. Duration:
  - a. Approval of the preliminary plat by the Township Board shall be for a period of two (2) years from the date of its approval.
  - b. Upon written application, the Township Board may extend the two (2) year preliminary approval period.

### **Section 2110 Final Platting Procedure – Requirements**

1. General:
  - a. Final plats shall be prepared and submitted pursuant to the Land Division Act.
  - b. With a written application for approval, the subdivider shall submit proof of ownership of the land included in the final plat. The proof of ownership shall be in the form of

an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.

- c. The Township may require such other information including plat or deed restrictions as it deems necessary to establish whether the proper parties have signed the plat.
2. Time of Submittal: Any plats shall be submitted to the Township at least twenty-one (21) days before a meeting of the Township Board.

### **Section 2111 Procedures**

1. Submittal To Approving Authorities: The subdivider shall submit the final plat for approval to the following:
  - a. Road Commission: For approval or rejection.
  - b. Drain Commissioner: For approval or rejection.
  - c. Clare County Health Department: For issuance of a letter of approval or rejection.
  - d. Any other agency required by law.

### **Section 2112 Final Approval**

1. Township Board:
  - a. The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within thirty (30) days of receipt of the plat.
  - b. The Township Board shall approve the plat, or disapprove it. If disapproved, the Township Board shall give the subdivider its reasons in writing.
  - c. The Township Board shall record all proceedings in the minutes of the

meeting and to sign the municipal certificate on the approved plat on behalf of the Township Board. The minutes of the meeting shall be open for inspection.

2. Improvements and Facilities Required By the Township:
  - a. The Township Board may require all improvements and facilities to be completed before it approves the final plat.
  - b. If the Township Board does not require completion of improvements or facilities before plat approval, the final plat shall be accompanied by a contract between the subdivider and the Township Board for completion of all required improvements and facilities.
  - c. Performance of the contract shall be guaranteed by a cash deposit or certified check.
  - d. The Township Board shall not require a cash deposit duplicating any cash deposit required by another governmental agency.
  - e. Such surety shall be rebated or credited to the account of the proprietor as the work progresses, as included in a written agreement between the Township and the subdivider.

## Article XXII

# Subdivision Design Standards

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### **Section 2200 Trafficways, Streets and Roads**

1. Intent: The standards set forth in this Ordinance are for the guidance of subdividers and represent desirable and acceptable practices. The required standards for streets, roads and intersections shall be the standards adopted by the Clare County Road Commission for this Township. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.
2. General
  - a. Street Location and Arrangement: When a major street plan has been adopted, subdivision streets shall be required to conform to the plan.
  - b. Local or Minor Streets: Such streets should be so arranged as to discourage their use by through traffic.
  - c. Street and Continuation and Extension: The arrangement of streets should provide for the continuation of streets from adjoining areas into new subdivisions, unless otherwise approved by the Clare County Road Commission.
  - d. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions should be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
  - e. Relation To Topographic: Streets should be arranged in proper relationship to topography so as to result in usable lots, safe streets, and reasonable gradients.
  - f. Alleys: Alleys are not desirable in areas of detached single or two-family residences. Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access, off-street loading, and parking.
  - g. Marginal Access Streets: Where a subdivision abuts or contains an arterial street, the Township may require:
    - i. Marginal access streets approximately parallel to and on each side of the right-of-way.
    - ii. Such other treatment as it deems necessary for the adequate protection of residential properties and to afford separation of through and local traffic.
  - h. Cul-De-Sac Streets: Cul-de-sac streets should not be more than six hundred (600) feet in length. Longer cul-de-sac streets under certain topographic conditions or other unusual situations will be permissible if approved by the Clare County Road Commission. Cul-de-sac streets should terminate with an adequate turnaround with a minimum radius of seventy-five (75) feet for right-of-way and sixty (60) feet for pavement.
  - i. Private Streets: Private streets and roads will be permitted in accordance with the provisions of the Township Private Road Ordinance. All such streets shall be marked, at owner's expense, by a

sign, stating the street or road is private. Maintenance agreements for private roads shall be presented to the Township Board prior to final approval.

### 3. Specifications

a. **Street Right-of-Way Widths:** Street and road right-of-way widths shall conform to the rules of the Clare County Road Commission and the State Department of Highways with the following exception:

- i. Private roads and driveways serving less than five (5) residential lots do not need to be hard surfaced. The addition of a fifth lot shall require that the entire roadway be hard surfaced to Clare County Road Commission standards.
- ii. In subdivision or condominium developments, the street or road does not have to be hard-surfaced to Road Commission standards until 90 percent of the residential construction has been completed.

b. **Street Gradients:**

- i. **Maximum Grades:** Street grades shall not exceed five (5) percent on either local streets or collector streets.
- ii. **Minimum Grades:** No street grade shall be less than zero point five (0.5) percent.

c. **Street Alignment:**

- i. **Horizontal Alignment:** When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines should be connected by a curve with a minimum radius of five hundred (500) feet for arterial streets, three hundred

(300) feet for collector streets and one hundred (150) feet for local or minor streets. Between reverse curves, on minor streets, there should be a minimum tangent distance of one hundred (100) feet, and on collector and arterial streets, two hundred (200) feet.

- ii. **Vertical Alignment:** Minimum sight distances should be two hundred (200) feet for minor streets and three hundred (300) feet for collector streets.

### 4. Street Name

- a. Street names shall not duplicate any existing street name in the Township, except where a new street is a continuation of an existing street.
- b. Street names that may be spelled differently but sound similar shall also be prohibited.

## Section 2201 Intersections

### 1. Angle of Intersection

Streets should intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.

### 2. Sight Triangles

- a. Minimum clear sight distance at all minor street intersections should permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection.

### 3. Number Of Streets

- a. No more than two (2) streets should cross at any one (1) intersection.

### 4. "T" Intersections

- a. Except on arterials and certain collector streets, "T" intersections should be used where practical.

#### 5. Vertical Alignment of Intersection

- a. A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section should be carried back fifty (50) feet to one hundred (100) feet each way from the intersection. An allowance of two (2) percent maximum intersection grade in rolling terrain and four (4) percent in hilly terrain is desirable.

### Section 2202 Non-Motorized Ways

1. Crosswalks: Right-of-ways for non-motorized crosswalks in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. A right-of-way should be at least ten (10) feet wide and extend entirely through the block.
2. Sidewalks: Sufficient rights-of-way should be provided so that sidewalks may be installed on both sides of all streets.

### Section 2203 Easements Location

1. Easements shall be provided along rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of not less than twelve (12) feet for adjoining lots.

### Section 2204 Drainage Way

1. The subdivider shall provide drainage way easements as required by the rules of the Clare County Drain Commissioner.

### Section 2205 Blocks

1. Arrangements: A block should be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.
2. Minimum Length: Blocks should not be less than five hundred (500) feet long.
3. Maximum Length: The maximum length allowed for residential blocks shall be one thousand three hundred twenty (1,320) feet from center of street to center of street.

### Section 2206 Lots

1. Conform to Zoning: The lot width, depth, and area shall not be less than the particular district requirements of the Ordinance except where outlets are provided for some permitted purpose.
2. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.
3. Corner Lots: Corner lots shall have extra width to permit appropriate building setback from both streets to orientation to both streets.
4. Uninhabitable Areas: Lands subject to flooding or otherwise deemed by the Township Board to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Township Board increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.
5. Lot Frontage: All lots shall front upon a street or road. Exceptions may be permitted for lots on lakes, rivers or streams. The front line shall be the street or road unless otherwise shown on the plat.



## Section 2207 Lot Division

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Assessor. The application shall be filed with the Township and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Zoning Ordinance. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the Clare County Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

## Section 2208 Reserve Strips

1. Reserve Strips - Private: Privately-held reserve strips controlling access to streets shall be prohibited.
2. Reserve Strip - Public: A one (1) foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision boundaries and between half-streets. These reserves when required shall be deeded in fee simple to the Township or Clare County Road Commission for future street purposes.

## Section 2209 Required Public Improvements

1. Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:
  - a. Monuments: Monuments shall be set in accordance with the Land Division Act, PA 591 of 1996 (formerly Subdivision Control Act, PA 288 of 1967), as amended and

the State Department of Treasury rules.

- b. Streets and Alleys: All streets and alleys shall be constructed of a bituminous surface in accordance with Clare County Road Commission standards and specifications, except as provided in this Article.
- c. Installation of Public Utilities: Public utilities and driveways shall be located in accordance with the rules of the Clare County Road Commission. All utilities must be installed below ground. Underground work for utilities shall be stubbed to the property line.
- d. Driveways: All driveway openings in curbs shall be as specified by the Clare County Road Commission or the State Department of Highways.
- e. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The minimum requirements for each particular subdivision shall be established by the Clare County Drain Commissioner. All drainage shall be on land contained in the plat. Construction shall follow the specifications and procedures established by the Clare County Drain Commissioner. All proposed storm drainage construction plans for proposed plats shall be prepared by the subdivider.
- f. Water Supply System: When a proposed subdivision is to be serviced by a public water supply system, a subdivider may be required to provide fire hydrants and other required water system appurtenances.
- g. Individual Wells: Individual wells may be permitted in accordance

with the requirements of the Clare County Health Department.

- h. Sanitary Sewer System: When a proposed subdivision is to be serviced by a public sanitary sewage system, the subdivider shall provide sanitary sewers and other required appurtenances thereto. Sewer systems shall comply the requirements of P.A. 98 of 1913, as amended.
  - i. If there is no existing or accessible public sewer system, the subdivider may be required to provide a sewer system for the common use of the lot owners, if feasible, in the judgment of the Township Board with the advice of the Clare County Health Department and shall comply with the requirements of P.A. 98 of 1913, as amended. The system provided shall be turned over to the Township for operation and maintenance.
  - ii. Where in the judgment of the Township Board, with the advice of the Clare County Health Department, it is determined that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, then septic tanks and disposal fields may be approved so long as they shall comply with the requirements of the Clare County Health Department.
  - iii. However, where studies by an engineer selected by the Township indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a

reasonably short time (up to three (3) years), sanitary sewer mains and house connections shall be installed and capped.

- i. Street Name Signs: Street name signs shall be required to be installed in the appropriate locations at each street intersection in accordance with the requirements of the Clare County Road Commission.
- j. Sidewalks And Crosswalks: Sidewalks shall be required on one (1) side of the street in developments with lots typically under one-half (1/2) acre.
- k. Greenbelts: It is desirable for the protection of residential properties to have greenbelts or landscaped screen plantings located between a residential development and adjacent major arterial streets, businesses, commercial areas, and railroad rights-of-way. Where a subdivider desires to protect his development in this respect, a proposed subdivision plat shall show the location of said greenbelts.
- l. Street Trees: Street trees of a variety and size in accordance with the standards adopted by the Township may be planted between the street curb and sidewalk. The location of street trees shall be approved by the Clare County Road Commission so as not to interfere with clear vision areas.
- m. Street Lighting: Streetlights may be required to be installed, at intersections only, throughout the subdivision. In these cases, a subdivider shall conform to the requirements of the Township and a public utility providing such lighting.
- n. Maintenance Program: If streetlights, sewers, water systems,

parks or greenbelt areas are contained within a plat either by requirement or desire of the subdivider, a permanent maintenance program must be set up before the sale of the fifth (5th) lot.

- o. **Dead End Roads:** Dead end roads may be permitted if cul-de-sacs meet or exceed Clare County standards, and if the road is no longer than one hundred fifty (150) feet.
- p. **Driveway Entrance:** There shall be no more than one (1) driveway entrance to a county primary road each four hundred (400) feet.
- q. **Connection To Future Roads:** All streets, drives, roads, etc. abutting undeveloped or unplatted land must be shown to be capable of connecting to future roads.

**Section 2210 Guarantee of Completion of Improvements Required By the Township**

- 1. **Financial Guarantee Arrangements, Exceptions:** In lieu of the actual installation of required public improvements, the Township Board may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and above the requirements of the Clare County Road Commission, Clare County Drain Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Township Board may waive financial guarantees of performance under this Ordinance for sidewalks, streetlights, or street trees. In case these improvements are specified, completion

may be required prior to the issuance of occupancy permit.

2. **Performance or Surety Bond**

- a. **Accrual:** The bond shall accrue to the Township, covering construction, operation and maintenance of the specific public improvement.
- b. **Amount:** The bond shall be in an amount equal to the total estimated cost for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
- c. **Term Length:** The term length in which the bond is in force shall be a period to be specified by the Township Board for the specific public improvement.
- d. **Bonding Or Surety Company:** The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.

3. **Cash Deposit or Certified Check:**

- a. **Treasurer, Escrow Agent Or Trust Company:** A cash deposit or certified check qualifies as surety acceptable by the Township Board. This surety shall be accepted as sufficient surety by the Township Board and shall accrue to the Township. These deposits shall be made with the Township Treasurer, or deposited with a responsible escrow agent, or trust company, subject to the approval of the Township Board.
- b. **Dollar Value:** The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public

improvement including contingencies, as estimated by the Township Board.

- c. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.
- d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Township and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with an agreement previously entered.

**Section 2211 Inspection of Public Improvements Under Construction**

- 1. Before final approval of a plat, an agreement between the subdivider and the Township Board shall be made to provide for checking or inspecting the construction of public improvements and conformity to plans.

**Section 2212 Public Improvement; Penalty; Failure to Complete**

- 1. In the event the subdivider shall, in any case, fail to complete such work within the period of time required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. To accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or

negotiable bond which the subdivider shall have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, as included in a written agreement between the Township Board and the subdivider.

- 2. The Township is not responsible for the enforcement of plat restrictions that are more restrictive than Township zoning restrictions.

**Section 2213 Division of Existing Lots**

- 1. Pursuant to Section 263 of the Land Division Act, PA 591 of 1996 (formerly Subdivision Control Act, PA 288 of 1967), as amended, every division of a lot in a recorded subdivision shall be subject to the provisions of this Ordinance. The owner seeking approval to divide a lot shall file an application in affidavit form with the Township, which shall set forth the reasons for the proposed division and shall be accompanied by an illustrative sketch or drawing, showing original and resulting dimensions.
- 2. Where the application states that the purpose is to add to adjoining existing building sites, and not to create separate building sites, the Township Assessor or Zoning Administrator may approve the application when it is satisfied no building permit is necessary.
- 3. Where a separate building site is being created by division of a lot in a recorded plat, no building permit shall be issued, or any building construction commenced, until the suitability of land for safe installation of a septic tank and an individual well has been approved by the Clare County Health Department.
- 4. No lot in a recorded plat shall be divided into more than four (4) parts, and

resulting building lots shall not be less than the requirements set forth in the Township Zoning Ordinance. The Township by resolution shall then approve or disapprove such division.

## Article XXIII Administration and Enforcement

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### **Section 2300 – Presumption of Civil Infraction** (Restated with 2005-01 Amendment)

A first violation of the Surrey Township Zoning Ordinance shall be deemed to be a municipal civil infraction.

### **Section 2301 – Violation and Penalties** (Restated with 2005-01 Amendment)

1. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:
  - a. **The First Offense.** The civil fine for a first offense violation shall be in an amount of Seventy-five Dollars (\$75.00), plus costs and other sanctions, for each offense.
2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance.
3. **Continuing Offense.** Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
4. **Remedies Not Exclusive.** In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.
5. **Judge or Magistrate.** The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
6. **Default on Payment of Fines and Costs.** A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection a or b or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of Surrey by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, et. Seq. MSA 27A. 101, et seq, as amended.
7. **Failure to Comply With Judgment of Order.** If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection 1.
8. **Failure to Appear in Court.** A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.
9. **Civil Contempt**
  - a. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of Surrey or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

- b. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
- c. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
- d. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
- e. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.
- f. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs,

damages or expenses shall not be discharged from custody until one of the following occurs.

- i. Defendant is credited with an amount due pursuant to Subsection 9 e..
- ii. The amount due is collected through execution of process or otherwise.
- iii. The amount due is satisfied pursuant to a combination of Subsection 9 f. (i) and (ii).
- g. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection 9 f.

**Second or Subsequent Offenses:** Any person, firm, or corporation who violates any of the provisions of this ordinance for a second or subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Township Zoning Administrator, any Township Police Officers or such other officer as the Township Board may designate, may petition for a court order to cause junk, blighted and structure, building materials, trash or rubbish, any vehicle, trailer, or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by the Township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to

the owner of such a vehicle, trailer or parts thereof.

**Section 2302 Administration**  
(Restated with 2005-01  
Amendment)

The Township shall employ a zoning administrator for the purpose of administering and enforcing this ordinance. This administrator may be an employee of the Township or a person or persons contracted for this purpose.

**Section 2303 Amendment** (Restated  
with 2006-05 Amendment)

Amendments may be made to this ordinance, from time to time, in accordance with PA 110 of 2006, the Michigan Zoning Enabling Act, being MCL 125.3101, *et seq.*

**Section 2304 Public Notice** (Added  
with 2006-05 Amendment)

Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

1. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township of Surrey and mailed or delivered as provided in this Section.
2. **Content:** All mail, personal and newspaper notices for public hearings shall:
  - a. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development,

variance, appeal, ordinance interpretation or other purpose.

- b. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - c. **When and where the request will be considered:** Indicate the date, time and place of the public hearing(s).
  - d. **Written comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
  - e. **Handicap access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. **Personal and Mailed Notice**
    - a. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
      - i. The owners of property for which approval is being considered, and the applicant, if different



than the owner(s) of the property.

- ii. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township of Surrey. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- iii. All neighborhood organizations, public utility companies, railroads and other persons, which have requested to receive notice pursuant to subsection (c) below.
- iv. Other governmental units or infrastructure agencies within

one mile of the property involved in the application.

- b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
    - a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. (This means it must be published in a newspaper of general circulation and for those receiving personal notice, received by mail or personal notice, not less than 15 days before the hearing.
    - b. For any other public hearing required by this Ordinance: not less than fifteen (15) days before the public hearing.
    - c. Registration to Receive Notice by Mail:
      - i. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval, or written notice of all applications

for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

- ii. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

**APPENDIX A  
GREENBELT TABLE**

Zoning Districts	Ag/Conservation	Single-Family (R-1, R-3) (Subdivision)	Single and Two-Family (R-2)	Manufactured Home Park (R-3)	Commercial	Industrial
Ag/Conservation						
Single-Family (R-1) (Subdivision)	B	A				
Multiple Family (R-2)	B	C	A			
Manufactured Home Park (R-3)	C	D	D	A		
Commercial	B	E	E	E	A	
Industrial	B	I	H	H	C	A
Across Street from Residential	S		A	D	B	D
Across Street from Business or Industrial	S	S	A	B	A	C
Adjacent to Arterial Streets		B	B	D	D	



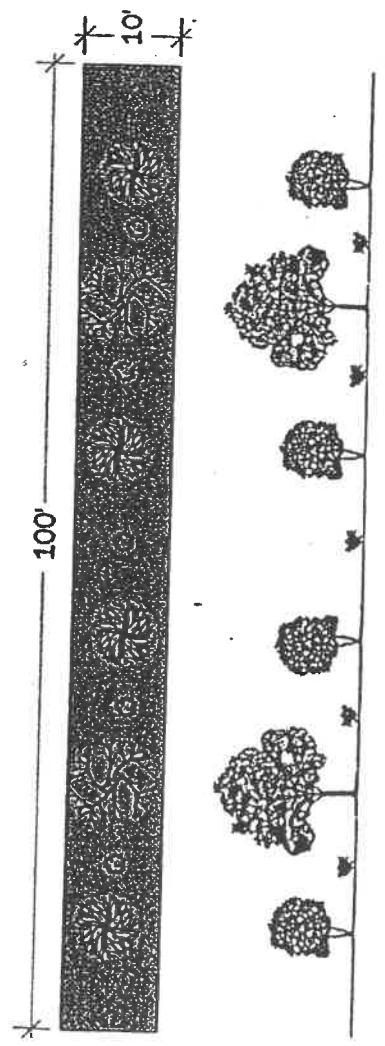
**APPENDIX B**  
**GREENBELT COMPOSITION**



### Greenbelt "A" - 10' Wide

Requirements Per 100 feet

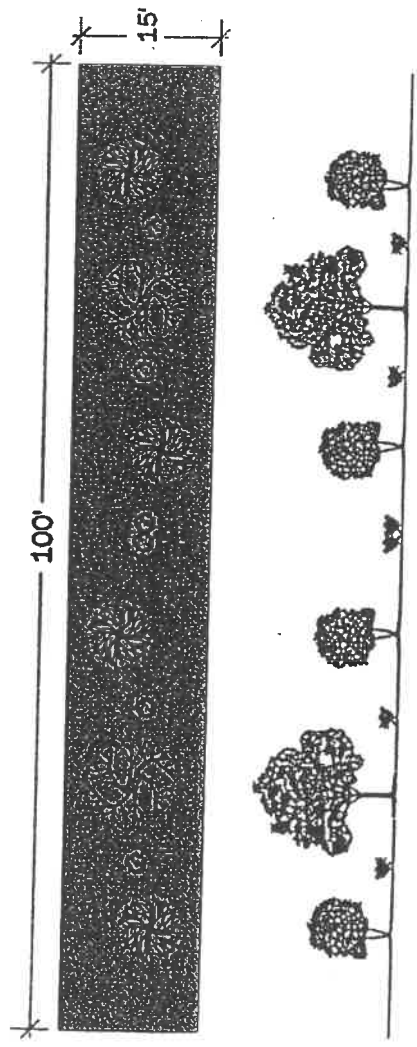
- Shade Trees 2 (3" - 3.5" Caliper)
- Ornamental Trees 4 (2" - 2.5" Caliper)
- Evergreen Trees None
- Deciduous Shrubs 5 (18" - 24" Height)
- Evergreen Shrubs None
- Fencing None
- Mounding None
- Other None



### Greenbelt "B" - 15' Wide

Requirements Per 100 feet

- Shade Trees 2 (3" - 3.5" Caliper)
- Ornamental Trees 4 (2" - 2.5" Caliper)
- Evergreen Trees None
- Deciduous Shrubs 6 (18" - 24" Height)
- Evergreen Shrubs None
- Fencing None
- Mounding None
- Other None



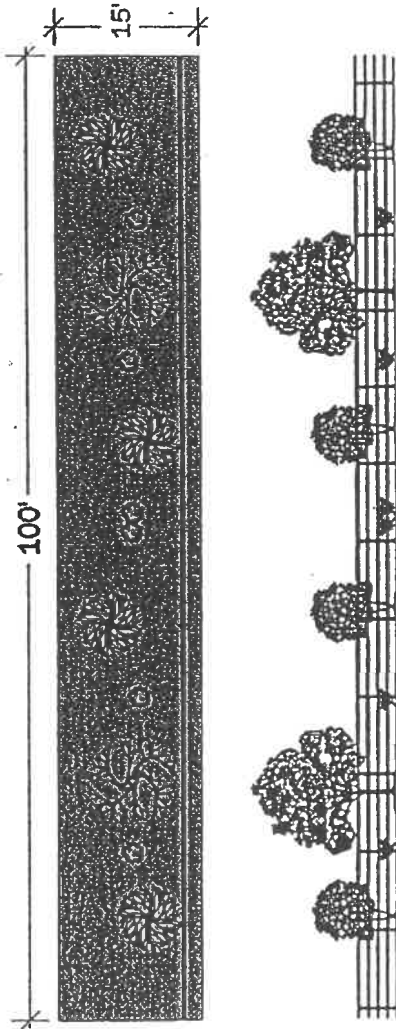




### Greenbelt "C" - 15' Wide

Requirements Per 100 feet

Shade Trees	2 (3" - 3.5" Caliper)
Ornamental Trees	4 (2" - 2.5" Caliper)
Evergreen Trees	None
Deciduous Shrubs	6 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	Post & Rail (4')
Mounding	None
Other	None

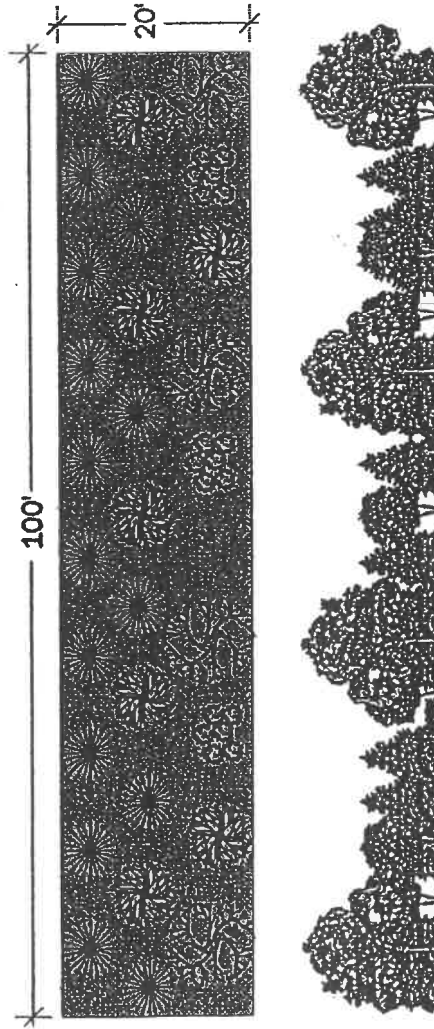


0 6 10 15 20  
Scale: 1 inch to 20 feet

### Greenbelt "D" - 20' Wide

Requirements Per 100 feet

Shade Trees	4 (2" - 2.25" Caliper)
Ornamental Trees	7 (1.5" - 2" Caliper)
Evergreen Trees	15 (5' - 6' Height)
Deciduous Shrubs	18 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

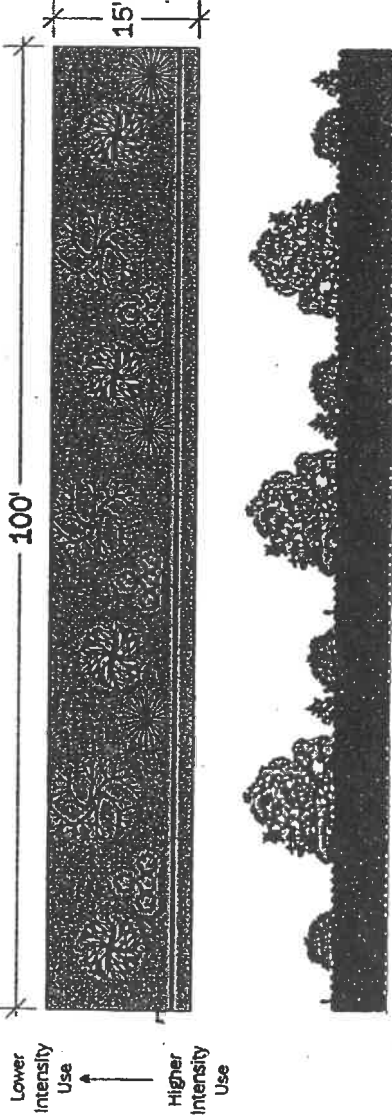


0 6 10 15 20  
Scale: 1 inch to 20 feet

Lower Intensity Use  
↑  
Higher Intensity Use

Lower Intensity Use  
↑  
Higher Intensity Use



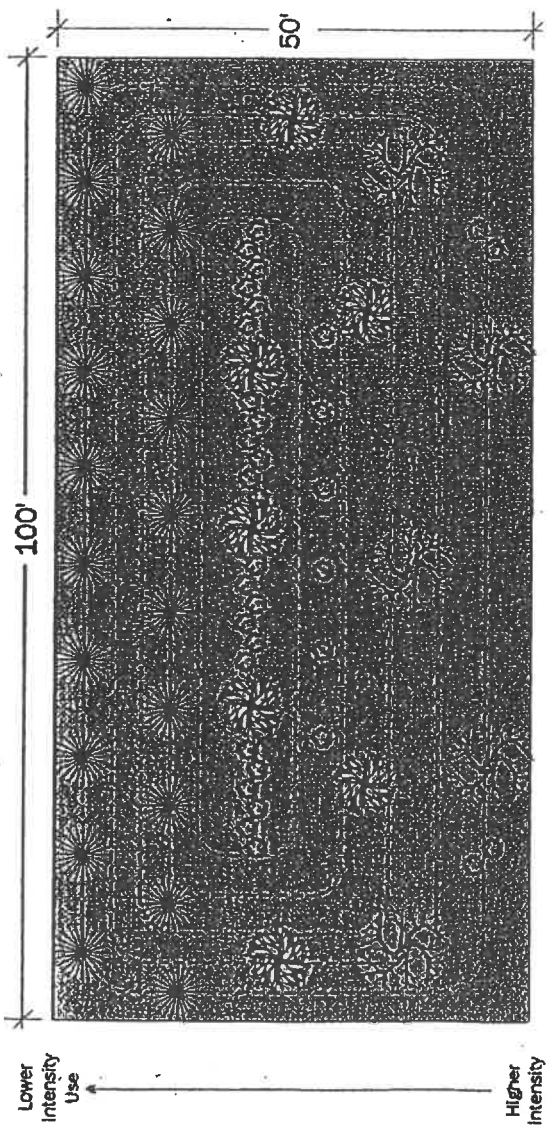


### Greenbelt "E" - 15' Wide

Requirements Per 100 feet

Shade Trees	3 (2" - 2.25" Caliper)
Ornamental Trees	4 (1.5" - 2" Caliper)
Evergreen Trees	3 (5' - 6' Height)
Deciduous Shrubs	15 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	Solid Wood (6')
Mounding	None
Other	None





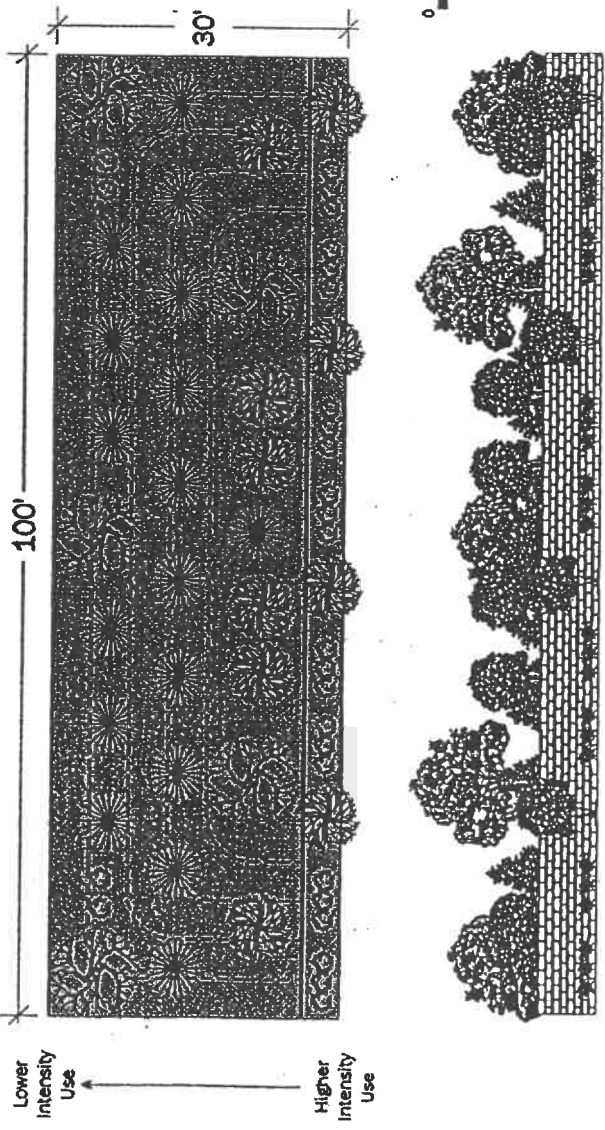
### Greenbelt "H" - 50' Wide

Requirements Per 100 feet

Shade Trees	5 (3" - 3.25" Caliper)
Ornamental Trees	7 (2" - 2.5" Caliper)
Evergreen Trees	20 (5' - 6' Height)
Deciduous Shrubs	34 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	None
Mounding	Earthen Berm (6' Height)
Other	None







### Greenbelt 1" - 30' Wide

Requirements Per 100 feet

Shade Trees	5 (2" - 2.25" Caliper)
Ornamental Trees	10 (1.5" - 2" Caliper)
Evergreen Trees	17 (5' - 6' Height)
Deciduous Shrubs	29 (18" - 24" Height)
Evergreen Shrubs	None
Fencing	Masonry Wall (6')
Mounding	Earthen Berm (4')
Other	None





# Greenbelt "S" - 10' Wide

Requirements Per 100 feet

Shade Trees	2 (3" - 3.5" Caliper)
Ornamental Trees	None
Evergreen Trees	None
Deciduous Shrubs	None
Evergreen Shrubs	None
Fencing	None
Mounding	None
Other	None

